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United States Department of Agriculture

FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

15501-15550

[Approved by the Secretary of Agriculture, Washington, D. C., July 26, 1928]

15501. Misbranding of flour. U. S. v. 240 Sacks of Crusader Flour, et al. Decree of condemnation entered. Product released under bond. (F. & D. No. 22064. I. S. Nos. 16069-x to 16072-x, incl. S. No. 104.)

On or about September 22, 1927, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 330 sacks of flour, remaining in the original unbroken packages at Athens, Ga., alleging that the article had been shipped by the Sterling Mills, Inc., from Statesville, N. C., on or about August 31, 1927, and transported from the State of North Carolina into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: "Sterling Mills, Inc., Statesville, N. C., Crusader Flour * * * 24 Lbs. Net. (or "48 Lbs. Net")." The remainder of the said article was labeled in part: "Sterling Mills, Inc., Statesville, N. C., Instant Self-rising Flour * * * 12 Lbs. Net (or "48 Lbs. Net")."

Misbranding of the article was alleged in the libel for the reason that the net weight statements, "48 Lbs. net," "24 Lbs. net," or "12 Lbs. net," as the case might be, were not correct. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements made were incorrect.

On November 19, 1927, the Sterling Mills, Inc., Statesville, N. C., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it not be sold or otherwise disposed of in violation of law.

W. M. JARDINE, *Secretary of Agriculture.*

15502. Adulteration of oysters. U. S. v. Jacob K. Culver and Norris Davis (Delaware Bay Oyster Co.). Pleas of guilty. Fine, \$20. (F. & D. No. 21575. I. S. Nos. 5842-x, 7589-x, 13764-x, 13765-x, 13767-x, 13840-x.)

On July 11, 1927, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Jacob K. Culver and Norris Davis, members of a copartnership trading as the Delaware Bay Oyster Co., Bowers, Del., alleging shipment by said defendants, in violation of the food and drugs act, in various consignments, on or about October 14, 16, and 20, 1926, respectively, from the State of Delaware into the State of New York, of quantities of oysters, which were adulterated.

It was alleged in the information that the article was adulterated in that a substance, to wit, water, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality, and had been substituted in part for oysters, which the said article purported to be.

On November 7, 1927, the defendants entered pleas of guilty to the information and the court imposed a fine of \$20.

W. M. JARDINE, *Secretary of Agriculture.*

15503. Adulteration of walnut halves. U. S. v. 200 Cases of Walnut Halves. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22141. I. S. No. 21215-x. S. No. 196.)

On November 10, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 200 cases of walnut halves, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped from Bordeaux, France, on or about December 28, 1926, and had been transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance, to wit, wormy and decomposed halves.

On December 1, 1927, W. R. Grace & Co., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$5,500, conditioned in part that the nuts be sorted and the unfit portion denatured or destroyed.

W. M. JARDINE, *Secretary of Agriculture.*

15504. Adulteration and misbranding of shorts. U. S. v. 1,000 Sacks of Shorts. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21187. I. S. Nos. 4284-x, 4635-x. S. No. C-5196.)

On July 17, 1926, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1,000 sacks of shorts, invoiced by the Hogan Millfeed Co., Kansas City, Mo., remaining in the original unbroken packages at Jackson, Miss., alleging that the article had been shipped from St. Louis, Mo., on or about July 8, 1926, and transported from the State of Missouri into the State of Mississippi, and charging adulteration in violation of the food and drugs act as amended. The article was invoiced "Grey Shorts" and "Shorts."

Adulteration of the article was alleged in the libel for the reason that a substance, a mixture of ground bran, wheat feed, scourings, and screenings, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 5, 1927, the Gober's Great Eight Milling Co., Jackson, Miss., claimant, having admitted the allegations of the libel, and consented to the entry of a decree, and the product having been taken down under bond conditioned that it be used in the manufacture of other feed, and the terms of said bond having been complied with and costs paid by the claimant, a decree of condemnation and forfeiture was entered by the court, nunc pro tunc, as of July 27, 1926.

W. M. JARDINE, *Secretary of Agriculture.*

15505. Adulteration of oysters. U. S. v. Haldeman-Tribbitt-Davidson Oyster Co. Plea of guilty. Fine, \$20. (F. & D. No. 21577. I. S. Nos. 5838-x, 5841-x, 13762-x, 13775-x, 14953-x, 14955-x.)

On July 11, 1927, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Haldeman-Tribbitt-Davidson Oyster Co., a corporation, Bowers, Del., alleging shipment by said company, in violation of the food and drugs act, on or about October 13, 16, 20, and 25, 1926, respectively, from the State of Delaware into the State of New York, of quantities of oysters which were adulterated.

It was alleged in the information that the article was adulterated, in that a substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for oysters, which the said article purported to be.

On November 7, 1927, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20.

W. M. JARDINE, *Secretary of Agriculture.*

15506. Adulteration of scallops. U. S. v. Lee N. Johnson, John H. Lewis, Harvey I. Lewis, and George U. Lewis (J. Lewis & Co.). Pleas of guilty. Fine, \$25. (F. & D. No. 21601. I. S. Nos. 16018-x, 16019-x.)

On October 25, 1927, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Lee N. Johnson, John H. Lewis, Harvey I. Lewis, and George U. Lewis, copartners, trading as J. Lewis & Co., Onancock, Va., alleging shipment by said defendants, in violation of the food and drugs act, in two consignments, on or about January 26 and February 3, 1927, respectively, from the State of Virginia into the State of New York, of quantities of scallops which were adulterated.

It was alleged in the information that the article was adulterated, in that a substance, to wit, water, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and had been substituted in part for scallops, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, scallop solids, had been in part abstracted.

On November 16, 1927, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25.

W. M. JARDINE, *Secretary of Agriculture.*

15507. Misbranding of canned tomatoes. U. S. v. Ira D. Hinton and Bascom D. Thomas (Hinton & Thomas). Plea of guilty. Fine, \$25. (F. & D. No. 22515. I. S. Nos. 13584-x, 13585-x, 13593-x.)

On October 25, 1927, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ira D. Hinton and Bascom D. Thomas, copartners, trading as Hinton & Thomas, Browns Store, Va., alleging shipment by said defendants, in violation of the food and drugs act as amended, in various consignments, on or about August 25, September 24, and October 2, 1926, respectively, from the State of Virginia into the State of Florida, of quantities of canned tomatoes which were misbranded. The article was labeled in part: (Cans) "Net Weight of Contents 1 Pound 3 Ounces (or "2 Pounds")."

It was alleged in the information that the article was misbranded, in that the statements, to wit, "Net Weight of Contents 1 Pound 3 Ounces," and "Net Weight of Contents 2 Pounds," borne on the labels of the respective sized cans, were false and misleading in that the said statements represented that each of the said cans contained 1 pound and 3 ounces, or 2 pounds of the article, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the cans contained 1 pound and 3 ounces, or 2 pounds, of the article, as the case might be, whereas the said cans did not contain the amount declared on the label, but each of a number of said cans contained less than so declared. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that the amount declared was more than the actual contents of the package.

On November 16, 1927, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25.

W. M. JARDINE, *Secretary of Agriculture.*

15508. Adulteration and misbranding of scallops. U. S. v. Nathaniel R. Steelman (N. R. Steelman). Plea of guilty. Fine, \$25. (F. & D. No. 22520. I. S. No. 7745-x.)

On October 25, 1927, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Nathaniel R. Steelman, trading as N. R. Steelman, Oyster, Va., alleging shipment by said defendant, in violation of the food and drugs act, as amended, on or about January 27, 1927, from the State of Virginia into the State of Massachusetts, of quantities of scallops which were adulterated and misbranded. The article was labeled: "VA 395."

It was alleged in the information that the article was adulterated, in that a substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article. Adulteration was alleged for the further reason

that a valuable constituent of the article, to wit, scallop solids, had been in part abstracted.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 16, 1927, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

W. M. JARDINE, *Secretary of Agriculture.*

15509. Adulteration of scallops. U. S. v. George W. Martin. Plea of guilty. Fine, \$25. (F. & D. No. 21609. I. S. No. 7797-x.)

On October 25, 1927, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George W. Martin, Magotha, Va., alleging shipment by said defendant, in violation of the food and drugs act, on or about February 14, 1927, from the State of Virginia into the State of Maryland, of a quantity of scallops which were adulterated.

It was alleged in the information that the article was adulterated, in that a substance, to wit, water, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality, and had been substituted in part for scallops, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, scallop solids, had been in part abstracted.

On November 16, 1927, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

W. M. JARDINE, *Secretary of Agriculture.*

15510. Adulteration and misbranding of mineral water. U. S. v. 165 Bottles, et al., of Mineral Water. Default order of destruction entered. (F. & D. No. 22052. I. S. No. 13400-x, 16901-x, 16902-x. S. No. 92.)

On or about September 12, 1927, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 165 five-gallon bottles and 8 cases, each containing 12 half-gallon bottles of mineral water, at Williamson, W. Va., alleging that the article had been shipped by the Beaufont Co., Inc., from Richmond, Va., during August, 1927, and had been transported from the State of Virginia into the State of West Virginia, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "Beaufont Mineral Spring Water, Richmond, Virginia." The remainder of the said article was labeled in part: "Beaufont Mineral Water * * * Beaufont is a pure, wholesome water * * * and can be drunk with safety and great benefit by anyone. Especially recommended to the traveling public * * * I deem this water one of the * * * purest * * * great Organic Purity * * * one of the best Table Waters * * * Beaufont Company, Inc., Richmond, Virginia."

It was alleged in the libel that the article was adulterated, in that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged with respect to the half-gallon bottles of the product for the reason that the statements "Beaufont is a pure, wholesome water * * * and can be drunk with safety and great benefit by anyone. Especially recommended to the traveling public * * * I deem this water one of the * * * purest * * * great Organic Purity * * * one of the best Table Waters," borne on the label, were false and misleading and deceived and misled purchasers for the reason that the water was polluted.

On November 14, 1927, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal and that the Mountain State Candy Co., Williamson, W. Va., pay the costs of the proceedings.

W. M. JARDINE, *Secretary of Agriculture.*

15511. Adulteration of scallops. U. S. v. Charles C. Hine. Plea of guilty. Fine, \$25. (F. & D. No. 21600. I. S. No. 7814-x.)

On October 25, 1927, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against

Charles C. Hine, Cape Charles, Va., alleging shipment by said defendant, in violation of the food and drugs act, on or about February 17, 1927, from the State of Virginia into the State of Maryland, of a quantity of scallops which were adulterated.

It was alleged in the information that the article was adulterated, in that a substance, to wit, water, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality, and had been substituted in part for scallops, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, scallop solids, had been in part abstracted.

On November 8, 1927, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

W. M. JARDINE, *Secretary of Agriculture.*

15512. Adulteration of scallops. U. S. v. George W. McCready (G. W. McCready). Plea of guilty. Fine, \$25. (F. & D. No. 22523. I. S. Nos. 14902-x, 14905-x, 16025-x.)

On October 25, 1927, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George W. McCready, trading as G. W. McCready, Oyster, Va., alleging shipment by said defendant, in violation of the food and drugs act, in part on or about February 7, 1927, and in part on or about February 8, 1927, from the State of Virginia into the State of New York, of quantities of scallops which were adulterated. A portion of the article was labeled, in part: (Tag on can) "Scallops From G. W. McCready * * * Oyster, Va."

It was alleged in the information that the article was adulterated, in that a substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, scallop solids, had been abstracted in part therefrom.

On November 16, 1927, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

W. M. JARDINE, *Secretary of Agriculture.*

15513. Adulteration and alleged misbranding of Essence Grape or Essence Grape Aroma. U. S. v. 32 Gallon Bottles of Essence Grape Aroma, et al. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 18792, 20089, 20125. I. S. Nos. 17895-v, 17896-v, 24816-v, 24817-v, 24820-v. S. Nos. C-4419, C-4737, C-4747.)

On June 19, 1924, May 28, and June 18, 1925, respectively, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 97 gallon bottles and 7 pint bottles of essence grape, and 46 gallon bottles and 9 pint bottles of essence grape aroma, at Chicago, Ill., alleging that the article had been shipped by Fritzsche Bros., Inc., from New York, N. Y., between the dates of February 14, 1924, and May 15, 1925, and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Fritzsche Brothers, Inc., New York, Essence Grape Aroma, Extra Concentrated True Fruit 1 Gal. (or "1 Pt.")."

It was alleged in the libels that the article was adulterated, in that an artificially flavored imitation product had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged with respect to a portion of the product for the reason that the statements "Essence Grape * * * True Fruit," borne on the label, were false and misleading and deceived and misled the purchaser.

Misbranding was alleged with respect to the remainder of the said article for the reason that the statements "Essence Grape Aroma Extra Concentrated True Fruit," borne on the label, were false and misleading; for the further reason that the said statements deceived and misled the purchaser, in that the product was not "Essence Grape Aroma Extra Concentrated True Fruit," but was an artificially flavored imitation product; and for the further reason that the

article was an imitation of and was offered for sale under the distinctive name of another article.

On November 23, 1927, Fritzsche Bros., Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, and the cases having been consolidated into one cause of action, a finding was made by the court that the product was adulterated, but that such adulteration was without the knowledge of the claimant, but was in the raw material the presence of which was not known to claimant. Judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be relabeled "Imitation Essence Grape Aroma, Artificially Flavored," under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15514. Adulteration of canned tomatoes. U. S. v. 50 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21511. I. S. No. 7508-x. S. No. E-5924.)

On December 31, 1926, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 50 cases of canned tomatoes, remaining in the original unbroken packages at Florence, S. C., alleging that the article had been shipped by J. W. Gillaspie & Co., from Appomattox, Va., October 8, 1926, and transported from the State of Virginia into the State of South Carolina, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Pride of Bedford Brand Tomatoes * * * Packed by J. W. Gillaspie & Co., Bedford, Virginia."

It was alleged in substance in the libel that the article consisted of swells and springers, and was adulterated, in that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On November 11, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15515. Adulteration of scallops. U. S. v. William S. Travis (L. B. Travis & Son). Plea of guilty. Fine, \$25. (F. & D. No. 21606. I. S. Nos. 7795-x, 7796-x, 7798-x.)

On October 25, 1927, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William S. Travis, trading as L. B. Travis & Son, Cape Charles, Va., alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, on or about February 11, 14, and 17, respectively, from the State of Virginia into the State of Maryland, of quantities of scallops which were adulterated.

It was alleged in the information that the article was adulterated, in that a substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for scallops, which the said article purported to be. Adulteration was alleged for the further reason that valuable constituents of the article, to wit, scallop solids, had been abstracted in part therefrom.

On November 16, 1927, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

W. M. JARDINE, *Secretary of Agriculture.*

15516. Adulteration of scallops. U. S. v. Gordon E. Milbourne and Woodland Milbourne (Milbourne Oyster Co.). Pleas of guilty. Fine, \$25. (F. & D. No. 21604. I. S. No. 7750-x.)

On October 25, 1927, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Gordon E. Milbourne and Woodland Milbourne, copartners, trading as the Milbourne Oyster Co., Wachapreague, Va., alleging shipment by said defendants, in violation of the food and drugs act, on or about February 22, 1927, from the State of Virginia into the State of Massachusetts, of a quantity of scallops which were adulterated.

It was alleged in the information that the article was adulterated, in that a substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for scallops, which the article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, scallop solids, had been abstracted in part therefrom.

On November 7, 1927, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25.

W. M. JARDINE, *Secretary of Agriculture.*

15517. Adulteration of scallops. U. S. v. Rufus J. Rew. Plea of guilty. Fine, \$25. (F. & D. No. 21603. I. S. No. 16020-x.)

On October 25, 1927, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Rufus J. Rew, Onancock, Va., alleging shipment by said defendant, in violation of the food and drugs act, on or about February 2, 1927, from the State of Virginia into the State of New York, of a quantity of scallops which were adulterated.

It was alleged in the information that the article was adulterated, in that a substance, to wit, water, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and had been substituted in part for scallops, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, scallop solids, had been abstracted in part therefrom.

On November 16, 1927, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

W. M. JARDINE, *Secretary of Agriculture.*

15518. Adulteration of oysters. U. S. v. E. L. Anderson & Co., Inc. (Tidewater Fish Co.). Plea of guilty. Fine, \$25. (F. & D. No. 21598. I. S. Nos. 7788-x, 7810-x.)

On October 25, 1927, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against E. L. Anderson & Co., Inc., a corporation, trading as the Tidewater Fish Co., Yorktown, Va., alleging shipment by said company, in violation of the food and drugs act, on or about December 23, 1926, from the State of Virginia into the State of North Carolina, of quantities of oysters which were adulterated.

It was alleged in the information that the article was adulterated, in that a substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for oysters, which the said article purported to be.

On November 7, 1927, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

W. M. JARDINE, *Secretary of Agriculture.*

15519. Adulteration of oranges. U. S. v. 336 Boxes of Oranges. Product ordered destroyed. Default decree of condemnation and forfeiture entered. (F. & D. No. 21828. I. S. No. 15490-x. S. No. C-5437.)

On March 23, 1927, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 336 boxes of oranges, at Mobile, Ala., alleging that the article had been shipped by F. N. Hicks, from Thonotosassa, Fla., on or about March 19, 1927, and transported from the State of Florida into the State of Alabama, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Good Nature Oranges * * * W. E. Lee Carlot Distributor * * * Plant City, Fla."

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated, in that it consisted wholly or in part of a decomposed vegetable substance.

On June 23, 1927, the product having been destroyed by the United States marshal by order of the court, a decree of condemnation and forfeiture was entered.

W. M. JARDINE, *Secretary of Agriculture.*

15520. Adulteration and misbranding of lemon extract. U. S. v. 3 Dozen Pints and 3 Dozen Quarts of Lemon Extract. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21957. I. S. No. 10754-x. S. No. W-2158.)

On June 11, 1927, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3 dozen pints and 3 dozen quarts of lemon extract, remaining in the original unbroken packages at Wallace, Idaho, alleging that the article had been shipped by the Gray Manufacturing Co., Spokane, Wash., on or about October 21, 1926, and transported from the State of Washington into the State of Idaho, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Imitation Lemon Flavor, Made from Terpeneless Oil, Citral and Artificial Coloring. * * * Put up by Gray Manufacturing Co., * * * Spokane, Washington."

It was alleged in substance in the libel that the article was adulterated in violation of section 7 of the act, paragraphs 2 and 4 under food, in that a substance containing very little lemon odor and flavor had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement borne on the bottle label, to wit, "Imitation Lemon Flavor, Made from Terpeneless Oil, Citral," was false and misleading and deceived and misled the purchaser.

On August 30, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15521. Adulteration of shell eggs. U. S. v. 100 Cases and 21 Cases of Eggs. Decree of condemnation entered. Product released under bond. (F. & D. No. 22034. I. S. Nos. 14336-x, 14337-x. S. No. 63.)

On August 9, 1927, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 121 cases of shell eggs, remaining in the original unbroken packages at Louisville, Ky., consigned by Marshall Bros., New Albany, Ind., in part July 16, 1927, and in part July 27, 1927, alleging that the article had been transported in interstate commerce from New Albany, Ind., into the State of Kentucky, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled, "Dirties," or "Dirties and Seconds."

It was alleged in the libel that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On August 10, 1927, Marshall Brothers, New Albany, Ind., having appeared as claimant for the property, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$1,000, conditioned in part that the eggs be sorted under the supervision of this department and the decomposed portion destroyed.

W. M. JARDINE, *Secretary of Agriculture.*

15522. Adulteration of oranges. U. S. v. 397 Boxes of Oranges. Default decree of condemnation entered. Product ordered sold. (F. & D. No. 21829. I. S. No. 13966-x. S. No. C-5434.)

On or about March 24, 1927, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 397 standard-size boxes of oranges, remaining in the original unbroken packages at Chattanooga, Tenn., alleging that the article had been shipped by J. E. Montgomery, Inc., from Palmetto, Fla., on or about March 10, 1927, and transported from the State of Florida into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Palmetto Packing Co., Palmetto, Florida."

It was alleged in the libel that the article was adulterated, in that frosted oranges, or a decomposed vegetable substance, had been substituted wholly or in part for the said article, namely, oranges. Adulteration was alleged for the further reason that the article consisted in whole or in part of a decomposed vegetable substance.

On June 11, 1927, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be sold by the United States marshal for some purpose not in violation of the Federal food and drugs act.

W. M. JARDINE, *Secretary of Agriculture.*

15523. Adulteration of canned string beans. U. S. v. 2,071 Boxes of String Beans. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22620. I. S. Nos. 13291-x, 13292-x. S. No. 55.)

On August 13, 1927, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2,071 boxes of string beans, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about August 2, 1927, from Hampton Roads, Va., into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Roberts 'Quality' Cut Stringless Beans * * * W. H. Roberts & Co., Baltimore, Md."

It was alleged in the libel that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 17, 1927, W. H. Roberts & Co., Baltimore, Md., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$10,000, conditioned in part that it be reconditioned so as to conform with the Federal food and drugs act, and should not be sold or otherwise disposed of until inspected and approved by this department.

W. M. JARDINE, *Secretary of Agriculture.*

15524. Adulteration and alleged misbranding of butter. U. S. v. 20 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22044. I. S. No. 17207-x. S. No. 56.)

On or about August 8, 1927, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 boxes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Timpanogos Creamery (Co.), Provo, Utah, on or about July 23, 1927, and transported from the State of Utah into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "From Timpanogos Creamery Company, Provo, Utah."

It was alleged in the libel that the article was adulterated, in that a product deficient in milk fat had been substituted wholly or in part for butter, said product containing less than 80 per cent of milk fat. Adulteration was alleged for the further reason that a valuable constituent, namely, milk fat, had been partially abstracted from the said article.

Misbranding was alleged for the reason that the statement "Butter" was false and misleading and deceived and misled the purchaser, since the article contained less than 80 per cent of milk fat.

On August 8, 1927, the Timpanogos Creamery Co., Provo, Utah, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$600, said bond providing that the product be reconditioned to comply with the Federal food and drugs act.

W. M. JARDINE, *Secretary of Agriculture.*

15525. Misbranding of cottonseed meal. U. S. v. 180 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22300. I. S. No. 15835-x. S. No. 347.)

On December 16, 1927, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure

and condemnation of 180 sacks of cottonseed meal, remaining in the original unbroken packages at Chambersburg, Pa., alleging that the article had been shipped by the Home Oil Mills, from Decatur, Ala., on or about November 17, 1927, and had been transported from the State of Alabama into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Helmet Brand Prime Cottonseed Meal. Protein (minimum) 41% Guaranteed Analysis."

It was alleged in the libel that the article was deficient in protein and was misbranded, in that the statement, borne on the sacks, "Prime Cottonseed Meal * * * Protein (minimum) 41% Guaranteed Analysis," was false and misleading and deceived and misled purchasers.

On January 11, 1928, the Ashcraft-Wilkinson Co., Atlanta, Ga., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it not be sold or shipped unless relabeled to show 38½ per cent content of protein.

W. M. JARDINE, *Secretary of Agriculture.*

15526. Adulteration of butter. U. S. v. 21 Tubs of Butter. Decree of condemnation entered. Product released under bond. (F. & D. No. 21191. I. S. No. 5548-x. S. No. E-5783.)

On July 1, 1926, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 21 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned about June 15, 1926, alleging that the article had been shipped by the Happy Land Creamery Co., Winter, Wis., and transported from the State of Wisconsin into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it was deficient in butterfat.

On July 14, 1926, the Wm. J. Haire Co., Boston, Mass., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it not be sold or otherwise disposed of contrary to law. It was further ordered by the court that the said product be reconditioned under the supervision of this department so that it contain at least 80 per cent of butterfat.

W. M. JARDINE, *Secretary of Agriculture.*

15527. Adulteration of canned tonno (tuna). U. S. v. 11 Cases of Canned Tonno. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22040. I. S. No. 15532-x. S. No. 87.)

On or about September 2, 1927, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 cases of canned tonno (tuna), remaining in the original packages at New Orleans, La., alleging that the article had been shipped by the Kittle-Joerissen Canning Co., Inc., Terminal Island, Calif., on or about October 13, 1926, and transported from the State of California into the State of Louisiana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Allegria Brand Tonno * * * Kittle-Joerissen Canning Co., Inc. Terminal Island, Cal."

It was alleged in the libel that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On September 21, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15528. Adulteration of butter. U. S. v. 92 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22035. I. S. No. 14334-x. S. No. 64.)

On July 27, 1927, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and

condemnation of 92 tubs of butter, remaining in the original unbroken packages at Louisville, Ky., alleging that the article had been shipped by the Evansville Packing Co., Evansville, Ind., on or about June 28, 1927, and transported from the State of Indiana into the State of Kentucky, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923, which the said article purported to be.

On August 22, 1927, Swift & Co. having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$2,000, conditioned in part that it be reconditioned under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15529. Adulteration of tangerines. U. S. v. 36 Half-Boxes of Tangerines. Default decree of destruction entered. (F. & D. No. 21896. I. S. No. 13315-x. S. No. E-5866.)

On or about April 7, 1927, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying seizure and condemnation of 36 half-boxes of tangerines, at Richmond, Va., consigned by the Sunny South Packing Co., Arcadia, Fla., alleging that the article had been shipped from Arcadia, Fla., April 2, 1927, and transported from the State of Florida into the State of Virginia, and charging adulteration in violation of the food and drugs act.

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On May 16, 1927, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15530. Adulteration and misbranding of meat and bone scrap. U. S. v. The Berg Co. Plea of guilty. Fine, \$890. (F. & D. No. 21570. I. S. Nos. 6337-x, 7865-x, 7866-x, 11857-x.)

On June 20, 1927, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Berg Co., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the food and drugs act, on or about April 10, July 1, and July 2, 1926, from the State of Pennsylvania into the States of Maryland, Virginia, and Delaware, respectively, of quantities of meat and bone scrap, which was adulterated and misbranded. The article was labeled in part: "Berg's * * * Meat & Bone Scrap Guaranteed Analysis Min. Protein 45.00% (or "55.00%" or "50.00%") * * * Max. Fiber 3.00% (or "2.00%") * * * Manufactured By The Berg Company Incorporated Philadelphia, Pa."

Adulteration was alleged in the information with respect to the portion of the product consigned April 10, 1926, into Maryland, for the reason that a substance containing less than 45 per cent of protein and more than 3 per cent of fiber and containing undeclared ingredients, to wit, cottonseed meal, cacao by-product cake, and a substance resembling hoof or horn meal, had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength. Adulteration was alleged with respect to all the said product for the reason that a substance containing less protein than declared on the label, and, with respect to a portion of the product, containing more than 3 per cent of fiber and undeclared ingredients, to wit, cottonseed meal, cacao by-product cake and a substance resembling hoof or horn meal, had been substituted for the said article.

Misbranding was alleged for the reason that the statements, "Poultry Meat & Bone Scrap Guaranteed Analysis Min. Protein 45.00% * * * Max. Fiber 3.00%," "55% Protein Poultry Meat & Bone Scrap Guaranteed Analysis Min. Protein 55.00%," "Poultry Meat & Bone Scrap Guaranteed Analysis Min. Pro-

tein 45.00%," and "50% Protein Poultry Meat & Bone Scrap Guaranteed Analysis Min. Protein 50.00%," borne on the respective labels, were false and misleading in that the said statements represented that the article contained not less than 45 per cent, 50 per cent, or 55 per cent, as the case might be, of protein, and that a portion of the product contained not more than 3 per cent of fiber and was composed solely of poultry meat and bone scrap, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 45 per cent, 50 per cent, or 55 per cent, as the case might be, of protein, and that the said portion contained not more than 3 per cent of fiber and was composed solely of poultry meat and bone scrap, whereas the said article contained less protein than declared on the label, and the said portion contained more than 3 per cent of fiber, and was composed, in part, of undeclared ingredients, to wit, cottonseed meal, cacao by-product cake, and a substance resembling hoof or horn meal. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On September 20, 1927, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$800.

W. M. JARDINE, *Secretary of Agriculture.*

15531. Misbranding of honey. U. S. v. 29 Cartons of Honey. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22022. I. S. No. 7695-x. S. No. 58.)

On August 16, 1927, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 29 cartons of honey, remaining in the original unbroken packages at Boston, Mass., consigned on or about July 15, 1927, alleging that the article had been shipped by the Southwest Honey Producers Syndicate, Los Angeles, Calif., and transported from the State of California into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottle) "Guaranteed Pure Orange Blossom Honey * * * Packed by Southwest Honey Producers Syndicate Los Angeles, Cal. Net Weight 12 Oz." (Case) "Full 12 Oz. jars."

It was alleged in substance in the libel that the article was misbranded, in that the statements on the label, to wit, "Full 12 Oz.," and "Net Weight 12 Oz.," were false and misleading and deceived and misled the purchaser, since the packages contained less than 12 ounces of honey, and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 4, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15532. Adulteration of butter. U. S. v. Johnson Butter Co. Plea of guilty. Fine, \$200. (F. & D. No. 21571. I. S. No. 1884-x.)

On September 24, 1927, the Grand Jurors of the United States within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned in the District Court of the United States for the district aforesaid an indictment against the Johnson Butter Co., a corporation, Terre Haute, Ind., alleging shipment by said company, in violation of the food and drugs act, on or about June 22, 1926, from the State of Indiana into the State of Ohio, of a quantity of butter which was adulterated. The article was labeled in part: "From Johnson Butter Company, Terre Haute, Indiana."

Adulteration of the article was charged in the indictment for the reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923, which the said article purported to be.

On September 26, 1927, a plea of guilty to the indictment was entered on behalf of the defendant company, and the court imposed a fine of \$200.

W. M. JARDINE, *Secretary of Agriculture.*

15533. Adulteration of fig paste. U. S. v. 200 Boxes of Fig Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22051. I. S. No. 19296-x. S. No. 90.)

On September 6, 1927, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 200 boxes of fig paste, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by Rosenberg Bros. & Co., San Francisco, Calif., from Fresno, Calif., on or about May 30, 1927, and transported from the State of California into the State of Missouri, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid animal (vegetable) substance.

On October 11, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15534. Adulteration of canned cherries. U. S. v. 190 Cases, et al., of Canned Cherries. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 21396, 21397, 21398. I. S. No. 7397-x. S. No. E-5910.)

On November 23, 1926, the United States attorney for the Eastern District of Virginia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 401 cases of canned cherries, at Richmond, Va., alleging that the article had been shipped by the Irondequoit Packing Co., Inc., from Rochester, N. Y., in part on or about August 4, 1926, and in part on or about August 9, 1926, and transported from the State of New York into the State of Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Irondequoit Brand * * * Red Sour Pitted Cherries * * * Irondequoit Packing Co., Inc., Irondequoit, N. Y."

It was alleged in the libels that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On October 13, 1927, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15535. Adulteration of canned string beans. U. S. v. 32 Cases of Canned String Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22304. I. S. No. 13147-x. S. No. 355.)

On or about December 17, 1927, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 32 cases of canned string beans, remaining in the original unbroken packages at Denver, Colo., consigned by the Springdale Cannery Co., Springdale, Ark., alleging that the article had been shipped from Springdale, Ark., on or about December 5, 1927, and had been transported from the State of Arkansas into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Case) "From Springdale Cannery Springdale, Ark."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On January 28, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15536. Adulteration of butter. U. S. v. 124 Boxes of Butter. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 22033. I. S. Nos. 1891-x to 1897-x, incl. S. No. 62.)

On July 27, 1927, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure

and condemnation of 124 boxes of butter, remaining in the original unbroken packages at Louisville, Ky., alleging that the article had been shipped from the Lanesville Creamery Co., Lanesville, Ind., on or about June 25, 1927, and transported from the State of Indiana into the State of Kentucky, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923, which the said article purported to be.

On or about October 22, 1927, the Lanesville Creamery Co., Lanesville, Ind., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$3,000. conditioned in part that it be brought into compliance with the law under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15537. Adulteration of frozen mixed eggs. U. S. v. 79 Cases of Frozen Mixed Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21978. I. S. No. 19360-x. S. No. 21.)

On July 16, 1927, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 79 cases of frozen mixed eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Dickerson Produce Co., from Knoxville, Iowa, between the dates of March 29, 1927, and June 27, 1927, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On October 21, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15538. Alleged adulteration of aletris root. U. S. v. 1 Bale of Aletris Root. Tried to the court and a jury. Verdict for claimant. Product ordered released. (F. & D. No. 20039. I. S. No. 14141-v. S. No. E-5299.)

On April 24, 1925, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and subsequently an amendment to the said libel, praying seizure and condemnation of 1 bale of aletris root, remaining unsold in the custody of H. K. Mulford, Philadelphia, Pa. It was alleged in the libel as amended that the article had been shipped from Asheville, N. C., on or about December 6, 1924, and transported from the State of North Carolina into the State of Pennsylvania, and that it was adulterated in violation of the food and drugs act.

Analysis of a sample of the product by this department showed that it yielded 21.5 per cent of ash, indicating excessive contamination with soil.

Adulteration of the article was alleged in the libel for the reason that it was sold under a name recognized in the National Formulary, but differed from the official standard of strength, quality, and purity, as determined by the test laid down in said formulary at the time of investigation.

On November 28, 1927, the H. K. Mulford Co., Philadelphia, Pa., having appeared as claimant for the property, the case came on for trial before the court and a jury. After the submission of evidence and arguments by counsel the court delivered the following instructions to the jury (Thompson, J.):

"Ladies and Gentlemen of the Jury: This is a case in which the United States, under the provisions of the Pure Food and Drug Act, seized a quantity of aletris root, which was in the possession of H. K. Mulford Company.

"The Pure Food and Drug Act is intended to protect the public against having adulterated drugs transported from one state to another, and it provides standards by a formulary, in accordance with which it may be determined whether or not such drugs are adulterated.

"In this case the Formulary set 16 per cent of ash as the highest quantity of ash which, under that law, could be contained in this drug, represented by these roots. In other words, if the aletris roots in the bale, shipped from North Carolina into Pennsylvania, contained over 16 per cent of ash on test, then the drugs, under the act, were adulterated. If the roots, as transported, did not contain that much ash upon analysis or test, then it was not adulterated, and the Government had no authority or right to seize it; so that it becomes a question of fact for the Jury, taking into consideration all the testimony in the case on both sides, as to whether this bale or package of these drugs was adulterated, in the sense that the quantity that was transported contained more than 16 per cent of ash.

"You have heard the testimony of the Government analyst, who testified that from samples taken by the Government inspector he made an analysis from those samples, that it was found in one case the ash content was 23 per cent and in the other case 21 per cent.

"The defendant in the case has called, as one of its witnesses, its chemist, who testified that he made an analysis or test of samples taken from these roots, and that, under that test, they only showed 5 per cent of ash, so that you have here a difference in these tests.

"There was a quantity of 416 pounds, I think it was—418 pounds of this root that remained in this bale, and it is a question for the Jury to determine whether, taking that whole quantity, the roots or drugs were adulterated, in that they contained more than 16 per cent of ash.

"Of course, you heard the testimony as to the fact that these roots are dug out of the ground, and that earth, necessarily, adheres to them, and that they are shipped in interstate commerce without being washed, so that the question would be whether there was enough other matter in those roots at the time they were shipped, and while they were being transported, to conclude that the whole quantity was adulterated, or that the whole quantity was not adulterated.

"Those are the outstanding points, upon which the Jury will have to consider the case.

"If, after taking into consideration all the testimony, you believe that when this bale of these roots was transported, they were adulterated, in the sense that, upon test, the quantity transported would have shown an adulteration or an ash of over 16 per cent, then your verdict should be in favor of the Government.

"If, however, you do not believe the testimony shows that the bale of roots transported did contain, on test, ash equal to 16 per cent or above 16 per cent, then your verdict should be for the defendant.

"I do not think that there is anything further I can say to you in the case. You will have to consider the case on all the evidence presented, and determine whether or not the quantity transported, taken from North Carolina and delivered here in Philadelphia in the package, was adulterated when it was transported and delivered."

The jury then retired and after due deliberation returned a verdict for the defendant.

On March 9, 1928, a decree was entered ordering the product returned to the H. K. Mulford Co., and the libel dismissed.

W. M. JARDINE, *Secretary of Agriculture.*

15539. Adulteration and alleged misbranding of butter. U. S. v. 7 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22055. I. S. No. 19881-x. S. No. 94.)

On August 26, 1927, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 7 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Osseo Cooperative Creamery Co., from Osseo, Wis., August 22, 1927, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drug act.

Adulteration of the article was alleged in the libel for the reason that it was deficient in butterfat, in that it contained less than 80 per cent of butterfat, the standard established by Congress. Adulteration was alleged for the further reason that a substance deficient in butterfat had been mixed and

packed with the said article so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, butter.

On October 13, 1927, Hunter Walton & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed so as to contain not less than 80 per cent of butter-fat.

W. M. JARDINE, *Secretary of Agriculture.*

15540. Adulteration of fig bars. U. S. v. 51 Cases of Fig Bars. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22287. I. S. No. 13124-x. S. No. 333.)

On December 14, 1927, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 51 cases of fig bars, remaining in the original unbroken packages at Denver, Colo., consigned by Zion Institutions & Industries, Zion, Ill., alleging that the article had been shipped from Zion, Ill., on or about October 31, 1927, and transported from the State of Illinois into the State of Colorado, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 26, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15541. Adulteration of figs. U. S. v. 85 Cases and 50 Cases of Figs. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 22291, 22292. I. S. Nos. 13142-x, 13143-x, 13145-x. S. No. 344.)

On December 16, 1927, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 135 cases of figs, remaining in the original unbroken packages at Denver, Colo., consigned by the Sunland Sales Cooperative Assoc., Fresno, Calif., alleging that the article had been shipped from Fresno, Calif., in various consignments, on or about November 11 and November 28, 1927, respectively, and transported from the State of California into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Blue Ribbon Brand Choice Mission Figs Produced & Packed by California Peach & Fig Growers, Main Office Fresno, Calif."

It was alleged in the libels that the article was adulterated, in that it consisted, in whole or in part, of a filthy, decomposed, or putrid vegetable substance.

On January 26, 1928, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15542. Adulteration of figs. U. S. v. 25 Boxes of Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22194. I. S. No. 17329-x. S. No. 206.)

On or about December 1, 1927, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 25 boxes of figs, remaining in the original unbroken packages at Walla Walla, Wash., consigned by the Sunland Sales Cooperative Assoc., from Fresno, Calif., alleging that the article had been shipped from Fresno, Calif., on or about October 17, 1927, and transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Blue Ribbon Brand Choice Mission Figs. Produced & Packed by California Peach & Fig Growers, Fresno, Calif."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 4, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15543. Adulteration of fig paste. U. S. v. 150 Boxes of Fig Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22281. I. S. No. 17333-x. S. No. 328.)

On December 12, 1927, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 150 boxes of fig paste, at Portland, Oreg., alleging that the article had been shipped by the Pacific Coast Biscuit Co., from Oakland, Calif., on or about November 11, 1927, and had been transported from the State of California into the State of Oregon, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On February 13, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15544. Adulteration of figs. U. S. v. 190 80-Pound Sacks of Shredded Figs, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 22069, 22135, 22181. I. S. Nos. 14288-x, 14295-x, 19117-x, 19121-x. S. Nos. 110, 191, 240.)

On September 26, November 8, and November 21, 1927, respectively, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 190 80-pound sacks of shredded figs, 99 cases of figs, and 42 boxes of mission figs, remaining in the original unbroken packages in part at Zion, Ill., and in part at Chicago, Ill., alleging that the article had been shipped by the Sunland Sales Cooperative Assoc., in part from Dinuba, Calif., September 6, 1927, and in part from Fresno, Calif., October 8, 1927, and transported from the State of California into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled, variously: "Shredded figs, Calif. Peach & Fig Growers Assn., Fresno, Calif.;" "Blue Ribbon Brand Choice Mission Figs, Packed by California Peach & Fig Growers, Fresno, California;" "White Ribbon Figs * * * California Peach & Fig Growers Association, Fresno, Calif."

It was alleged in substance in the libels that the article was adulterated, in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On January 17, 1928, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15545. Misbranding of horse and mule feed. U. S. v. Nixon Grain & Elevator Co. Plea of guilty. Fine, \$50. (F. & D. No. 21595. I. S. Nos. 6543-x, 6544-x, 6547-x.)

At the November, 1927, term of the United States District Court within and for the Southern District of Georgia, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against the Nixon Grain & Elevator Co., a corporation, Augusta, Ga., alleging shipment by said company, in violation of the food and drugs act, in part on or about September 14, 1926, and in part on or about September 21, 1926, from the State of Georgia into the State of North Carolina, of quantities of horse and mule feed which was misbranded. The article was labeled in part: "Ozark (or "Dakota") Horse & Mule Feed Manufactured by Nixon Grain & Elevator Co., Augusta, Ga. Guaranteed Analysis Protein 10%, Fat 2%, * * * Fibre 15%."

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis Protein 10% Fat 2% * * * Fibre 15%" and "Guaranteed Analysis Protein 10%, Fat 2%," regarding respective portions of the "Ozark" feed, and "Guaranteed Analysis Protein 10%," regarding the "Dakota" feed, borne on the labels, were false and misleading in that the said statements represented that the article contained 10 per cent of protein, that the "Ozark" feed contained 2 per cent of fat, and that a portion of the said "Ozark" feed contained 15 per cent of fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained the amount of protein, fat, and fiber declared in the said statements, whereas it contained less than 10 per cent of protein, the "Ozark" feed contained less than 2 per cent of fat, and a portion of the said "Ozark" feed contained more than 15 per cent of fiber.

At the said November, 1927, term of court a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture.*

15546. Adulteration of frozen eggs. U. S. v. 625 Cans of Frozen Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22289. I. S. No. 20953-x. S. No. 340.)

On December 15, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 625 cans of frozen eggs, consigned by the U. S. Cold Storage Co., Kansas City, Mo., remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped from Kansas City, Mo., on or about November 25, 1927, and transported from the State of Missouri into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid substance, to wit, rotten, sour, and musty eggs.

On January 4, 1928, Ralph Hurst, Kansas City, Mo., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$5,000, conditioned in part that it be salvaged by separating the good portion from the bad portion, and the latter destroyed or denatured.

W. M. JARDINE, *Secretary of Agriculture.*

15547. Adulteration and misbranding of mustard. U. S. v. Louis H. Morehouse (Morehouse Mustard Mills, Packers Supply Co.). Plea of guilty. Fine, \$600. (F. & D. No. 19680. I. S. Nos. 12004-v, 12005-v, 20064-v, 20065-v, 20215-v, 20216-v, 20277-v, 20807-v.)

On November 27, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Louis H. Morehouse, a member of a copartnership trading as Morehouse Mustard Mills, and Packers Supply Co., Oakland, Calif., alleging shipment by said defendant, in various consignments, between the dates of February 27, 1924, and July 7, 1924, from the State of California into the States of Washington, Oregon, Nevada, and Utah, respectively, of quantities of mustard which was adulterated and misbranded. The article was labeled, variously: "Salad Morehouse Mustard, Mustard Seed, Mustard Cake, Vinegar, Spices, Salt and Turmeric, Morehouse, Oakland, Los Angeles, Seattle;" "Prepared Old English Style Morehouse Mustard, Mustard Seed, Vinegar, Spices, Salt and Turmeric, Morehouse Mustard Mills, Los Angeles, Oakland;" "Prepared French Style, Morehouse Mustard Seed, Mustard Cake, Vinegar, Spices, Salt, Morehouse, Oakland, Los Angeles, Seattle;" "Palace Car Brand Salad Mustard."

It was alleged in the information that the article was adulterated, in that added mustard bran had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for the said article.

Misbranding was alleged with respect to a portion of the article for the reason that the statements, to wit, "Salad Morehouse Mustard, Mustard Seed, Mustard Cake, Vinegar, Spices, Salt and Turmeric," "Prepared Old English Style Morehouse Mustard, Mustard Seed, Vinegar, Spices, Salt and Turmeric," "Prepared French Style Morehouse Mustard, Mustard Seed, Mustard Cake, Vinegar, Spices, Salt," borne on the respective labels, were false and misleading in that the said statements represented the article to be mustard, or prepared mustard, containing solely the declared ingredients, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was mustard, or prepared mustard, containing solely the declared ingredients, whereas it was not mustard, or prepared mustard containing solely the said named ingredients, in that it contained mustard bran. Misbranding was alleged with respect to the remainder of the product for the reason that the statement, to wit, "Salad Mustard," borne on the label, was false and misleading in that the said statement represented the article to be salad mustard containing solely the usual ingredients for prepared mustard, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was salad mustard containing solely the usual ingredients for prepared mustard, whereas it contained, among other ingredients, mustard bran. Misbranding was alleged with respect to all of the said article for the further reason that it was offered for sale under the distinctive name of another article.

On January 12, 1928, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$600.

W. M. JARDINE, *Secretary of Agriculture.*

15548. Adulteration and misbranding of prepared mustard. U. S. v Louis H. Morehouse (Morehouse & Co.). Tried to a jury. Verdict of guilty. Fine, \$400 and costs. (F. & D. No. 15052. I. S. No. 10125-t.)

On September 8, 1921, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Louis H. Morehouse, a member of a partnership trading as Morehouse & Co., Oakland, Calif., alleging shipment by said defendant, in violation of the food and drugs act, on or about July 21, 1920, from the State of California into the State of Washington, of a quantity of prepared mustard which was adulterated and misbranded. The article was shipped in barrels, labeled, in part: "Morehouse * * * Prepared Old English Mustard Colored with Turmeric. Emeryville, Cal."

Adulteration of the article was alleged in the information for the reason that a substance, to wit, mustard hulls, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength, and had been substituted in part for mustard, which the said article purported to be. Adulteration was alleged for the further reason that the article was a product inferior to mustard, to wit, a product composed in part of mustard hulls, and was colored with turmeric, so as to simulate the appearance of mustard and in a manner whereby its inferiority to mustard was concealed.

Misbranding was alleged for the reason that the statement "Mustard," borne on the barrels, was false and misleading in that the said statement represented that the article was composed wholly of mustard, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was composed wholly of mustard, whereas it was not so composed, but was composed in part of mustard hulls.

On January 10, 1928, the case came on for trial before the court and a jury. After the submission of evidence and arguments by counsel the court charged the jury as follows (Kerrigan, D. J.):

"Gentlemen of the Jury: The information in this case, as you already know, is based upon what is called the Pure Food and Drug Act of June 30, 1906. You have already been made familiar with the contents of the information, and it will be unnecessary for me at this time even to state the substance of it. I might, however, in this connection, state that at the time of the arraignment the defendant pleaded not guilty, thus putting in issue all the material elements or allegations of the information, and casting upon the Government the duty of establishing its case against the defendants to a moral certainty and beyond a reasonable doubt. The information will be handed to you by the bailiff when you retire to deliberate upon your verdict.

"Under the Pure Food and Drug Act it is provided that any person who shall ship or deliver for shipment from any state or territory to any other state or territory, or foreign country, any article of food or drug so adulterated or misbranded within the meaning of this act shall be guilty of a misdemeanor, and the maximum punishment is a fine of \$200.

"For the purposes of this act, an article shall be deemed to be adulterated, in the case of food:

"(a) If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

"(b) If any substance has been substituted wholly or in part for the article; if any valuable constituent of the article has been wholly or in part abstracted.

"The term 'misbranded' as used in this act shall apply to all articles of food or articles which enter into the composition of food, the package or label of which shall bear any design or device regarding such article, or ingredient, or substance contained therein, which is false or misleading in any particular.

"For the purpose of this act, an article shall be deemed to be misbranded in the case of food if it be an imitation of or offered for sale under the distinctive name of another article, if it be labeled or branded so as to deceive or mislead the purchaser.

"The Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor shall make uniform rules and regulations for carrying out the provisions of this act, including the collection and examination of specimens of food and drugs manufactured or offered for sale in the United States. Regulations made by an executive department, in pursuance of authority delegated by Congress, shall have the force and effect of law.

"In prosecutions for adulterating and misbranding of food products shipped in interstate commerce under the Pure Food and Drug Act, the knowledge or intent of the shipper is not an element of the offense.

"If you find that the food products with which this case is concerned were adulterated or misbranded within the meaning of the Pure Food and Drug Act, and were shipped in interstate commerce by defendant, it is immaterial whether the defendant had knowledge that the particular food or drugs were adulterated or misbranded.

"When construing and enforcing the provisions of this act, the act, omission, or failure of any officer, or agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association, as well as that of the principal.

"A great deal of stress has been laid upon the age of the case. To my mind, and you are so instructed, that is immaterial to any issue that you are to pass upon in this case. You are to decide upon the evidence in this case whether the defendant is guilty or not guilty, whether the defense stated by him is genuine, or, as has been said, whether it is a fictitious defense. The age of the case, as I say, has no bearing upon any issue which is to be considered or passed upon by you. It may be true that on account of the long time that this case has been pending, that the facts may have grown dim in the memory of the witnesses; and, of course, in passing upon the question whether or not a witness has told the truth, you have a perfect right to consider the long time that this case has been pending.

"This being a criminal case, the defendant is presumed to be innocent. This presumption has the weight and effect of evidence. It may operate to acquit the defendant, and will operate to acquit the defendant unless it is overcome to your satisfaction to a moral certainty and beyond a reasonable doubt.

"A reasonable doubt means just what the term implies. It is a doubt based upon reason. It has been defined to be that state of the case which, after an entire comparison and consideration of all of the evidence in the case, leaves the minds of the jurors in that condition that they cannot say that they have an abiding conviction to a moral certainty of the truth of the charge."

The jury then retired and after due deliberation returned, on January 11, 1923, a verdict of guilty, and the court imposed a fine of \$400 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

15549. Misbranding of cottonseed meal. U. S. v. 160 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22167. I. S. No. 23053-x. S. No. 218.)

On November 15, 1927, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 160 sacks of cottonseed meal, remaining in the original unbroken packages at Gunnison, Colo., consigned by the Memphis Cotton Oil Co., Memphis, Tex., alleging that the article had been shipped from Memphis, Tex., on or about November 4, 1927, and transported from the State of Texas into the State of Colorado, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "43% Protein Cottonseed Meal. Prime Quality. Manufactured by Memphis Cotton Oil Company, Memphis, Texas. Guaranteed Analysis: Crude Protein Not Less than 43.00 Per Cent."

Misbranding of the article was alleged in the libel for the reason that the statements "43% Protein" and "Crude Protein Not Less than 43.00 Per Cent" were false and misleading and deceived and misled the purchaser, since the said cottonseed meal did not contain 43 per cent of protein.

On January 16, 1928, the Memphis Cotton Oil Co., Memphis, Tex., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it not be sold or otherwise disposed of contrary to law.

W. M. JARDINE, *Secretary of Agriculture.*

15550. Adulteration of fig bars. U. S. v. 35 Boxes of Fig Bars. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22320. I. S. No. 17342-x. S. No. 367.)

On December 21, 1927, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 35 boxes of fig bars, remaining in the original unbroken packages at Portland, Ore., alleging that the article had been shipped by the Andrews-Wilmans Biscuit Co., from San Francisco, Calif., on or about October 20, 1927, and had been shipped from the State of California into the State of Oregon, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On February 13, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 15501-15550

	N. J. No.		N. J. No.
Aletris root:		Lemon flavor. <i>See</i> Extract.	
Mulford, H. K.-----	15538	Meat and bone scrap. <i>See</i> Feed.	
Beans, canned:		Mineral water. <i>See</i> Water.	
Roberts, W. H., & Co.-----	15523	Mixed feed. <i>See</i> Feed.	
Springdale Cannery Co.-----	15535	Mustard:	
Butter:		Morehouse, L. H.-----	15547, ¹ 15548
Evansville Packing Co.-----	15528	Morehouse Mustard Mills.-----	15547
Happy Land Creamery Co.-----	15526	Morehouse & Co.----- ¹	15548
Johnson Butter Co.-----	15532	Packers Supply Co.-----	15547
Lanesville Creamery Co.-----	15536		
Osseo Cooperative Creamery		Nuts—	
Co.-----	15539	walnuts:-----	15503
Timpanogos Creamery Co.-----	15524		
Cherries, canned:		Oranges:	
Irondequoit Packing Co.-----	15534	Hicks, F. N.-----	15519
Cottonseed meal. <i>See</i> Feed.		Lee, W. E.-----	15519
Eggs:		Montgomery, J. E.-----	15522
Marshall Bros.-----	15521	Palmetto Packing Co.-----	15522
frozen:		Oysters. <i>See</i> Shellfish.	
Dickerson Produce Co.-----	15537	Scallops. <i>See</i> Shellfish.	
Hurst, Ralph.-----	15546	Shellfish—	
United States Cold Storage		oysters:	
Co.-----	15546	Anderson, E. L., & Co.-----	15518
Extract—		Culver, J. K.-----	15502
grape:		Davis, Norris.-----	15502
Fritzsch Bros.-----	15513	Delaware Bay Oyster Co.-----	15502
lemon:		Haldeman-Tribitt-Davidson	
Gray Manufacturing Co.-----	15520	Oyster Co.-----	15505
Feed—		Tidewater Fish Co.-----	15518
cottonseed meal:		scallops:	
Home Oil Mills.-----	15525	Hine, C. C.-----	15511
Memphis Cotton Oil Co.-----	15549	Johnson, L. N.-----	15506
meat and bone scrap:		Lewis, G. U.-----	15506
Berg Co.-----	15530	Lewis, H. I.-----	15506
mixed:		Lewis, J., & Co.-----	15506
Nixon Grain & Elevator Co.-----	15545	Lewis, J. H.-----	15506
shorts:		McCready, G. W.-----	15512
Hogan Millfeed Co.-----	15504	Martin, G. W.-----	15509
Fig bars:		Milbourne, G. E.-----	15516
Andrews-Wilmans Biscuit Co.-----	15550	Milbourne Oyster Co.-----	15516
Zion Institutions & Industries.-----	15540	Milbourne, Woodland.-----	15516
Fig paste:		Rew, R. J.-----	15517
Pacific Coast Biscuit Co.-----	15543	Steelman, N. R.-----	15508
Rosenberg Bros. & Co.-----	15533	Travis, L. B., & Son.-----	15515
Figs:		Travis, W. S.-----	15515
California Peach & Fig Grow-		Shorts. <i>See</i> Feed.	
ers Assoc.-----	15541, 15542, 15544	Tangerines:	
Sunland Sales Cooperative		Sunny South Packing Co.-----	15529
Assoc.-----	15541, 15542, 15544	Tomatoes, canned:	
Fish—		Gillaspie, J. W., & Co.-----	15514
tuna:		Hinton, I. D.-----	15507
Kittle-Joerissen Canning Co.-----	15527	Hinton & Thomas.-----	15507
Flavor, lemon. <i>See</i> Extract.		Thomas, B. D.-----	15507
Flour:		Tuna fish. <i>See</i> Fish.	
Sterling Mills.-----	15501	Walnuts. <i>See</i> Nuts.	
Grape essence. <i>See</i> Extract.		Water, mineral:	
Honey:		Beaufont Co.-----	15510
Southwest Honey Producers			
Syndicate.-----	15531		

¹ Contains instructions to jury.

United States Department of Agriculture

FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

15551-15600

[Approved by the Secretary of Agriculture, Washington, D. C., October 3, 1928]

15551. Misbranding of Kentos. U. S. v. 14 Cases of Kentos. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21662. I. S. No. 11122-x. S. No. C-5352.)

On March 1, 1927, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 14 cases of Kentos, at Fort Worth, Tex., alleging that the article had been shipped by the Kentos Laboratories, Inc., Los Angeles, Calif., on or about February 7, 1927, and had been transported from the State of California into the State of Texas, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottle) "For Pyorrhea * * * Use full strength * * * For General Use—As * * * preventive, dilute 1 part * * * with 5 parts water and use while brushing teeth;" (carton) "Pyorrhea * * * For the Teeth and Gums * * * For all unhealthy conditions of the Oral Cavity * * * Pyorrhea * * * For Pyorrhea—Use full strength Swish liquid between teeth. Let it penetrate affected parts for two full minutes. For General Use—As an antiseptic and preventative, dilute 1 part Kentos with 5 parts water and use while brushing teeth. Dilute in like manner and use as gargle to relieve tonsillitis. Use full strength in canker and cold sores. * * * Will positively check and relieve Pyorrhea Alveolaris (Riggs' Disease) immediately. Marvelously healing and beneficial to tender, bleeding, inflamed gums, cold sores, canker sores, bad breath and all disorders of the Oral Cavity. * * * in the treatment of Oral Diseases. * * * used successfully * * * in conjunction with the Kentos Technic for the most stubborn cases of Pyorrhea Alveolaris. * * *

A strong oxidizing agent, employed in solution as an antiseptic and deodorizing application to foul ulcers, canker and ozena. * * * Used as a mouth wash and gargle, in Ulcerative Stomatitis and Follicular Pharyngitis. * * * local astringent in solution in the treatment of indolent ulcers and various skin diseases. * * * Locally is styptic, astringent, and milding escharotic; employed as a hemostatic. * * * as a mouth wash in Aphthous Stomatitis;" (circular) "exceptional bactericide and pyostatic. * * * Teeth—gums—mucous membrane and throat * * * a powerful bactericide * * * has proved its specific value and efficacy in the treatment of oral sepsis in general and particularly pyorrhea alveolaris. * * * probably more effective than any antiseptic on the market today. It kills germs without harming flesh tissue, if properly used. * * * Areas which are acutely inflamed, or in which intensive soreness is present, would need a very weak dilution * * * the mouth contains germs at all times. In order to stay well, use Kentos to kill these deadly destroyers of life tissue * * * Bad Breath * * * Bleeding Gums * * * Boils, Carbuncles * * * On open wound * * * Catarrhal Conditions * * * Chancre and Chancroids * * * This aborts spread of the lesion and cessation of exudate and soon gives a clean, wholesome appearance to the wound. Cervitis * * * Colds * * * Cuts,

Wounds * * * Diphtheritic Throat * * * Domestic Animals * * *
 to thoroughly cleanse any wound. This will keep wound clean and kill all
 germs. Eczema * * * Focal Abscess * * * 'Gum Boils' * * *
 Leucorrhea * * * Mouth Cankers * * * Phagadenic Gingivitis
 (Trench Mouth) * * * Pharyngitis * * * Pus Pockets * * *
 Pyorrhea Alveolaris * * * Quinsy * * * Stomatitis (Canker Sores)
 * * * Syphilitic Lesions of the Mouth * * * Tonsillar Abscess * * *
 Tonsillitis. * * * Tooth Brushes:—Use * * * on tooth brush to keep
 it in sterile condition. Vincent's Angina."

Analysis of a sample of the article by this department showed that it consisted essentially of zinc sulphate, sodium chloride, potassium chlorate, volatile oils, and water. It contained no copper, manganese, or boron compounds.

It was alleged in substance in the libel that the article was misbranded, in that the statements regarding the curative and therapeutic values and effects of the said article, borne on the labels, were false, in that the said article contained no ingredients or combination of ingredients capable of producing the results claimed in the representations above set forth. Misbranding was alleged for the further reason that the representations made on the labels were misleading in that no permanganate of potash, sulphate of copper, or borate of soda were present as ingredients in the said article.

On January 30, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15552. Adulteration and misbranding of mineral water. U. S. v. 9 Cases of Stafford Bo-Go-Ha-Ma Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22128. I. S. No. 16117-x. S. No. 174.)

On or about November 8, 1927, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 9 cases of Stafford Bo-Go-Ha-Ma water, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Stafford Springs Corp., from Vosburg, Miss., on or about July 8, 1927, and transported from the State of Mississippi into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottle) "Stafford Mineral Springs Water * * * The Stafford Mineral Springs and Hotel Co. Ltd. The Stafford Springs Co., Inc., Vosburg, Miss. A Natural Diuretic * * * Recommended for its Purity and Mineral Properties," (yellow label) "The Sediment * * * Oxide of Iron."

It was alleged in the libel that the article was adulterated in violation of section 7, paragraph 6, of said act, in the case of food, in that it consisted in part of a filthy, decomposed, and putrid animal substance.

It was further alleged in the libel that the article was misbranded in violation of section 8, paragraph 4, of said act, in the case of food, in that the statements, "Recommended for its purity * * * The sediment * * * is not objectionable from * * * a sanitary * * * standpoint," were false and misleading. It was further alleged in the libel that the article was misbranded in violation of section 8, paragraph 3, as amended, of said act, in the case of drugs, in that the statements, "A Natural Diuretic Acting freely upon the kidneys. * * * (Water of Life)," borne on the label, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 15, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal, and that the marshal be authorized to remove the labels from the empty containers and deliver said containers to the Stafford Springs Corporation.

W. M. JARDINE, *Secretary of Agriculture.*

15553. Misbranding of Chi-Ches-Ters pills. U. S. v. 12 Dozen Packages of Diamond Brand Chi-Ches-Ters Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13208. I. S. No. 4224-t. S. No. C-2099.)

On August 21, 1920, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and

condemnation of 12 dozen packages of Chi-Ches-Ters Diamond Brand pills, at Memphis, Tenn., alleging that the article had been shipped by the Chichester Chemical Co., from Philadelphia, Pa., on or about October 6, 1919, and transported from the State of Pennsylvania into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Chi-Ches-Ters Diamond Brand New Style Pills;" (book-let) "Ladies * * * Remedy for Functional Derangements of the Female * * * Organism * * * For Amenorrhoea * * * Dysmennorrhoea."

Analysis of a sample of the article by this department showed that it consisted essentially of ferrous sulphate and plant material including aloë.

It was alleged in the libel that the article was misbranded, in that the statements on the said packages, regarding the curative and therapeutic effects of the said article, were false and fraudulent and calculated to mislead and deceive the purchaser thereof, since the said article contained no ingredient capable of producing the effects claimed.

On April 9, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15554. Adulteration and misbranding of Jecorrol. U. S. v. 65 Pounds of Jecorrol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22074. I. S. No. 1872-x. S. No. 116.)

On September 28, 1927, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 65 pounds of Jecorrol, remaining unsold at Cincinnati, Ohio, alleging that the article had been shipped by Glogau & Co., from Chicago, Ill., on or about April 5, 1927, and had been transported from the State of Illinois into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Jecorrol Alcohol Soluble Extract Cod Liver Oil. Equal in Strength to 52 times its Volume of Prime Lofoten Cod Liver Oil, Glogau and Company, Chicago."

Adulteration was alleged in the libel for the reason that the strength of the article fell below the professed standard under which it was sold, since Vitamin D, the antirachitic factor of cod liver oil, was present in the article to an extent not greater than would be found in 1/10 its volume of prime Lofoten cod liver oil.

It was alleged in the libel that the article was misbranded, in that the statement on the label, "Equal in strength to 52 times its volume of prime Lofoten Cod Liver Oil," was false and misleading.

On April 5, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture*

15555. Misbranding of Depurativo Gandul. U. S. v. 3 Dozen, et al., Depurativo Gandul. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 22124, 22137. I. S. Nos. 14892-x, 14894-x. S. Nos. 170, 199.)

On November 1 and November 11, 1927, respectively, the United States attorney for the District of Porto Rico, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 4½ dozen bottles of Depurativo Gandul, at San Juan, P. R., shipped by the Arecibo Drug Co., from Arecibo, P. R., alleging that the article was being offered for sale and sold in the Territory of Porto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of potassium iodide, extracts of plant drugs, honey, alcohol, and water.

It was alleged in the libels that the article was misbranded, in that the following statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton and bottle label, translation of Spanish) "Depurative * * * Depurative of the blood.

Product of well known efficacy for the treatment of syphilis, pimples of the face, likewise all impurities of the blood. Corrects bad humors;" (circular, translation of Spanish) "Impurities of the blood. Syphilis—pimples of the face—Ulcers—Herpes and other affections of the blood. In its anxiety for the discovery of new combinations for the treatment of diseases that almost daily fill clinics and hospitals, chemistry does not omit any sacrifice to obtain its purposes. Formerly to contract an infection of the blood such as chancroids, buboes, herpes, scab or any other syphilitic infection, was the same thing as to secure a certificate for the other world. Chemistry has at last resolved the problem in offering to the public the Syrup Gandul. Syrup Gandul is a valuable regulator of the blood. Its components, which are a useful combination of the most important chemical drugs used for the purpose together with the most efficacious vegetable ingredients, constitute the most energetic preparation for the treatment of all impurities of the blood and bad humors. Syrup Gandul is the last word of science in its effort to treat the diseases of the blood. Syphilis, lymphatism, scrofula, pimples of the face, eczema, herpes, scab and other diseases of the skin due to impurities of the blood are efficaciously treated by this famous alternative. Syrup Gandul not only clears the blood from all impurities but it also enriches it, due to its property of forming new red corpuscles. Under its influence, the blood is purified; destroying parasites and micro-organisms that are found in it, such as *spirochaeta pallida*; parasite of filaria and the staphylococcus, which is responsible for abscesses, pimples of the face, pimples, etc. The lesions of the skin, ulcers, pimples of the face are healed and at the same time the pale skin starts to redden until it gets a healthy color. Syrup Gandul is, therefore, the ideal remedy for all diseases of the blood."

On December 17, 1927, and February 6, 1928, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15556. Misbranding of Glandogen. U. S. v. 4½ Dozen Small Size Bottles, et al., of Glandogen. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21665. I. S. Nos. 12729-x, 12730-x. S. No. W-2098.)

On March 1, 1927, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 4½ dozen small size bottles and ½ dozen large size bottles of Glandogen, remaining in the original unbroken packages at Denver, Colo., consigned by the Glandogen Co., Los Angeles, Calif., alleging that the article had been shipped from Los Angeles, Calif., on or about January 24, 1927, and transported from the State of California into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of animal matter and plant extracts including strychnine.

It was alleged in the libel that the article was misbranded, in that the following statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Glandogen * * * The Gland Tonic;" (cartons) "For Men (or 'For Women')) * * * Glandogen The Gland Tonic * * * a cellular and systemic tonic in general run-down conditions * * * For general weakened and run-down conditions, and as a reconstructive;" (circular) "The Glands and Their Functions. It was not so very long ago that Brown-Sequard, the French physician, startled the world with his serum made from animal secretions. By injecting the serum into his body he experienced a feeling of unusual strength and vigor, and though 72 years old at the time, he announced to the world that he had restored his youth, and named his serum 'the elixir of life.' * * * Experimental and clinical records have shown that the glands produce substances that are positively essential to the health, and even life of the body. Many of the vital organs depend directly or indirectly upon the action of one or more of these glands for their functioning * * * The thyroid gland * * * exercises control over the physical and mental development * * * If a child's thyroid fails to develop, he becomes an idiot, and children who are idiots because of

thyroid insufficiency can be made more normal by treatment with a combination of the thyroid and other gland extracts. The thyroid hormone produces immunity from infectious diseases, and defective thyroid action is indicated in certain forms of insanity, melancholia, anemia, and malnutrition, or failure of the body to derive nourishment from its food. The Sex Glands. The sex glands also secrete a hormone, which is reabsorbed into the blood, and changes the boy or girl into man and woman. Circulating through the blood, the sex hormone stimulates and invigorates and lays the foundation for vigorous manhood and womanhood. The boy's voice becomes deep and strong and he begins to develop a tremendous appetite and other manifestations of rapid growth. If the boy's body were deprived of the secretions of these vital glands; if the hormones were drained away so that the blood could not reabsorb them, the boy would never develop the strength of mind and body that goes with virile manhood. Dr. Serge Voronoff, of Paris, has taken animals that were dying of old age, and by transplanting into them the sex glands of healthy young animals, restored them to the vigor of youth. On removing the glands, the animals again became old and feeble. Everyone admires a spirited horse. The proud carriage, the supple muscles, and the fiery eye are his because the blood coursing through his veins is charged with the animating hormone from his sex glands. The Pituitary Gland * * * has a definite effect on the metabolism, or the processes of building up the tissues, and it also governs the growth of the bones. An inactive pituitary hinders the body growth, an overactive one makes the growth abnormally rapid. It also acts on the heart and its inactivity causes extreme fleshiness. * * * The Suprarenal Glands * * * control the heart action * * * If they are inactive the circulation of the blood is impaired, and the nourishment of the body suffers. Most cases of low blood pressure, malnutrition, asthma, and melancholia are associated with suprarenal insufficiency. * * * For all practical purposes, the energy in the body can be likened to the charge in a storage battery. There is so much energy in the battery, and if it is wastefully used, and the current allowed to escape by improper insulation, the charge will last a short time. If there are no 'leaks' the charge will last longer. The glands are the storage batteries of the body and are endowed with a certain amount of energy. If by disease or other causes the gland functions are impaired, the body slows down in the vital processes of life, and weakness and debility result. In these debilitated conditions the most rational and scientific method would be to replace the secretions which are lacking with preparations made from the various glands. The action of such a compound would not be merely to relieve the deficiency, but would act on the gland structure itself and help re-awaken it to normal activity. With the results obtained from organo-therapy there can be no doubt as to its efficacy in the treatment of the 'rundown' and neurasthenic individual. * * * Glandogen is a combination of the vital glands of healthy young animals * * * In combination with it are other substances accorded as the most beneficial remedial agents for such conditions. Glandogen is homostimulative in its action; that is, it helps to invigorate and strengthen not only for the time being, but its continuous use is intended to gradually re-awaken the glandular structures, which should enable them to assume their normal functions. It is recommended as a most efficient tonic and reconstructive for nervousness, and for lack of energy, both mental and physical * * * Treatment. The length of treatment varies with the individual case; however, it is not to be expected that a debilitated condition, which is the result of years of destructive action, can be remedied in a single fortnight. In some cases several weeks' treatment suffices, while in others many months are required. The individual can judge as to when he may discontinue the treatment by noting his improved condition. In the usual weakened and 'run-down' condition, two tablets three times a day is the dosage. They should be taken immediately after each meal. We have found that many users of Glandogen, after taking a ten-day treatment and experiencing its remarkably invigorating action, believe themselves permanently relieved of their old weaknesses, and drop the treatments, only to write back several weeks later that their old symptoms have reappeared, and ordering longer treatment. Because the first doses of Glandogen may give one a feeling of strength and energy, does not mean that one is permanently relieved. The real benefits of gland therapy lie in the re-awakening of the gland structures themselves, and this can be accomplished only through continued treatment. For one to drop the treatment after five or ten days, on the assumption that the effects will be permanent, would be to lose the value of its reconstructive action. * * * treatment."

On April 5, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15557. Misbranding of Crazy mineral water. U. S. v. 15 Cases of Crazy Mineral Water. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22218. I. S. No. 9521-x. S. No. 278.)

On November 28, 1927, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 15 cases of Crazy mineral water, at Memphis, Tenn., alleging that the article had been shipped by the Crazy Well Water Co., from Mineral Wells, Tex., on or about August 23, 1927, and transported from the State of Texas into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was misbranded, in that the statements, "Rheumatism, Constipation, Functional Stomach Diseases, Liver Diseases, (Not Organic) Cystitis, Etc. * * * Diabetes, Bright's Disease, Etc.," regarding the effect of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 4, 1928, the Crazy Water Co., Mineral Wells, Texas, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, conditioned in part that it not be sold or otherwise disposed of contrary to law, and be relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

*** 15558. Misbranding of Crazy mineral water. U. S. v. 76 Half Gallon Bottles Crazy Mineral Water #4, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22283. I. S. No. 19172-x. S. No. 332.)**

On December 12, 1927, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 76 half-gallon bottles Crazy mineral water #4, 102 half-gallon bottles Crazy mineral water #3, 17 half-gallon bottles Crazy mineral water #2, and 17 half-gallon bottles Crazy mineral water #1, remaining in the original unbroken packages at Baton Rouge, La., alleging that the article had been shipped by the Crazy Well Water Co., Mineral Wells, Tex., on or about October 25, 1927, and transported from the State of Texas into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended.

It was alleged in substance in the libel that the article was misbranded, in that the statements, "For Diabetes, Bright's Disease, Functional Diseases of the Urinary System * * * Diabetes, Bright's Disease, Etc.," with respect to the Crazy mineral water #1 and #2, and "Rheumatism, Constipation, Functional Stomach Diseases, Liver Diseases (Not Organic) Cystitis, Etc. * * * Diabetes, Bright's Disease, Etc.," with respect to the Crazy mineral water #3 and #4, borne on the labels of the article, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 6, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15559. Misbranding of Norma. U. S. v. 62 Bottles and 52 Bottles of Norma. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 22219, 22244. I. S. No. 11847-x. S. Nos. 289, 299.)

On November 29, and December 7, 1927, the United States attorney for the District of Indiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 114 bottles of an article of drugs labeled "Norma," re-

maining in the original unbroken packages at Indianapolis and Fort Wayne, Ind., alleging that the article had been shipped by the Norma Laboratories, Inc., Albany, N. Y., in part on or about July 8, 1927, and in part on or about July 21, 1927, and transported from the State of New York into the State of Indiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a soluble phosphate, glycerin, and water, with a small amount of plant extractive material, and was colored red.

It was alleged in substance in the libels that the article was misbranded, in that the bottle labels and the circulars accompanying the said bottle bore false and fraudulent statements regarding the ingredients of the said article, in that it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 2 and February 3, 1928, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15560. Misbranding of Hy'ne. U. S. v. 47 Packages, et al., of Hy'ne. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22298. I. S. Nos. 23610-x, 23611-x. S. No. 350.)

On or about January 12, 1928, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 47 packages, large size, and 23 packages, small size, of Hy'ne, remaining in the original unbroken packages at Fort Wayne, Ind., alleging that the article had been shipped by the Hy'ne Company, from Chicago, Ill. on or about November 22, 1927, and had been transported from the State of Illinois into the State of Indiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled, in part, as follows: (Wrapper and box) "Woman's * * * Remedy."

Analysis of a sample of the article by this department showed that it consisted of cacao butter suppositories containing boric acid, salicylic acid, ammonia alum, thymol, and quinine.

It was alleged in the libel that the article was misbranded, in that the circular accompanying the packages containing the said article bore false and fraudulent statements, in that the article did not contain any ingredient or combination of ingredients capable of producing the effects claimed in the said circular.

On February 3, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15561. Misbranding of Norma. U. S. v. 35 Bottles, et al., of Norma. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 22200, 22396. S. Nos. 246, 455.)

On or about November 25, 1927, and January 26, 1928, respectively, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 70 bottles of Norma, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Norma Laboratories, from Albany, N. Y., in part on or about September 9, 1927, and in part on or about January 12, 1928, and had been transported from the State of New York into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the product by this department showed that it consisted essentially of phosphate, a small amount of plant extract, glycerin, and water, and was colored red.

It was alleged in the libels that the article was misbranded, in that the following statements, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label, on portion of product) "A medicine containing an ingredient recognized by many leading physicians as helpful in the treatment of High Blood Pressure;" (circular accompanying said portion) "The function of Norma is to aid

Nature in its efforts to relieve the many sufferers from the distressing and unpleasant symptoms which usually accompany and manifest themselves in high blood pressure. High Blood Pressure is not a disease. It is a symptom of some disorder or abnormal condition. Sometimes it may be a result of mental worry or strain, then again it may be the consequence of unhygienic living, over and improper feeding, insufficient physical exercise, accumulation of poisons or toxins in the system, change of life or various other causes. To determine the cause an examination by a physician is desirable. As Norma does not remove the cause of high blood pressure, it is advisable to discover the cause and use corrective medical or hygienic measures while taking Norma. Norma, however, usually reduces high blood pressure and thereby relieves dizziness, head pains, nervousness, restlessness, sleeplessness and other discomforts and pains accompanying it. Those Who Know They Have High Blood Pressure. Thousands of persons have been told by insurance medical examiners and practicing physicians that they have high blood pressure. Such persons usually find great relief with Norma which reduces most forms of high blood pressure promptly and satisfactorily. It thereby tends to bring relief from dizziness, head pains, nervousness, sleeplessness, restlessness, melancholia and other distress and ills due to high blood pressure and usually enables blood pressure sufferers to go about their daily work and pleasures in comfort. One bottle often brings wonderful relief;" (bottle label, remainder of product) "A Vaso Motor dilator. The action of Norma is to relieve the strain on the arteries and blood vessels."

On March 1, 1928, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15562. Adulteration and misbranding of spirits of nitre. U. S. v. 1 Gross Bottles of Spirits of Nitre. Default order of forfeiture and destruction entered. (F. & D. No. 20844. I. S. No. 6728-x. S. No. E-5635.)

On February 15, 1926, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 gross bottles of spirits of nitre, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by the W. H. Crawford Co., from Baltimore, Md., on or about October 1, 1925, and had been transported from the State of Maryland into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Spirits Nitre, 4% Ethyl Nitrate, 91% Alcohol."

It was alleged in the libel that the article was adulterated, in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of quality or purity stated therein.

Misbranding was alleged for the reason that the article contained approximately 90 per cent by volume of a mixture of ordinary ethyl alcohol and isopropyl alcohol, in imitation of and sold under the name of another article, to wit, spirits of nitre. Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity or proportion of ordinary ethyl alcohol and isopropyl alcohol contained therein, and for the further reason that the statement on the label and carton, "91% Alcohol," was false and misleading in that the said statement represented that the article contained 91 per cent of alcohol, whereas it did not, but did contain a less amount.

On March 6, 1928, no claimant having appeared for the property, judgment of the court was entered ordering that the property be surrendered to the United States marshal, to be by him destroyed.

W. M. JARDINE, *Secretary of Agriculture.*

15563. Misbranding of Norma. U. S. v. 9 Bottles of Norma. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22234. S. No. 283.)

On December 5, 1927, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 9 bottles of Norma, remaining in the original unbroken pack-

ages at Milwaukee, Wis., alleging that the article had been shipped by the Norma Laboratories, Inc., from Albany, N. Y., on or about July 18, 1927, and transported from the State of New York into the State of Wisconsin, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a soluble phosphate, a small amount of plant extractive material, red coloring matter, glycerin, and water.

It was alleged in the libel that the article was misbranded, in that the statement, "Norma is Purely Vegetable," borne on the label, was false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, borne on the labels, were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: "Reduces Blood Pressure * * * High Blood Pressure Thousands of people have high blood pressure and don't know what is the matter with them. It is a very common condition, leading to serious illness in many cases. All persons afflicted with it should beware of their danger Presence of high blood pressure is indicated by headache, nervousness, restless feeling, sleeplessness, dizziness, and 'all-gone' condition, as many describe it, accompanied by dread of 'something going to happen.' Frequently precedes apoplexy. Three or four bottles of Norma are usually sufficient to reduce high blood pressure. Then it is advisable to take a bottle once a month. Great comfort and much better health will be experienced by keeping the blood pressure around normal."

On January 23, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15564. Misbranding of Norma. U. S. v. 137 Bottles, et al., of Norma. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 22399, 22400. S. Nos. 463, 464.)

On or about January 31, 1928, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 2 lots of Norma, consisting of 137 bottles, and 66 bottles, respectively, remaining in the original unbroken packages at New Orleans, La. On February 2, 1928, the libel filed against the said 66 bottles was amended to read "Seventy-Seven Bottles." Said libels alleged that the article had been shipped by the Norma Laboratories, Inc., Albany, N. Y., in various lots, on or about July 9, 1927, October 21, 1927, and January 12, 1928, respectively, and had been transported from the State of New York into the State of Louisiana, and that it was misbranded in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a soluble phosphate, a small amount of plant extractive material, red coloring matter, glycerin, and water.

It was alleged in the libels that the article was misbranded, in that the following statements upon and accompanying the bottles were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label of certain portion) "Blood Mechanism Regulator Indicated in cases of discomfort caused by high blood pressure; deficient nutrition, etc.;" (bottle label of certain portion) "A Vaso Motor dilator. The action of Norma is to relieve the strain on the arteries and blood vessels;" (bottle label of certain portion) "A medicine containing an ingredient recognized by many leading physicians as helpful in the treatment of High Blood Pressure;" (circular accompanying a certain portion) "The function of Norma is to aid the nature in its efforts to rehabilitate itself and thus relieve the many sufferers from the distressing and unpleasant symptoms which usually accompany disturbances of human blood mechanism and manifest themselves in so-called high blood pressure. So-called 'High Blood Pressure' is not a disease. It is a symptom of an abnormal condition. Sometimes it is one of the manifestations of Bright's disease—then again it may be a result of mental worry or strain and then again it may be just the consequence of unhygienic living and occurring usually in over and improper feeding and insufficient physical exercise;" (circular accompanying certain portion) "The function of Norma is to aid Nature in its effects (efforts) to relieve the many sufferers from the distressing and unpleasant symptoms which usually ac-

company and manifest themselves in high blood pressure. High Blood Pressure is not a disease. It is a symptom of some disorder or abnormal condition. Sometimes it may be a result of mental worry or strain. Then again it may be the consequence of unhygienic living, over and improper feeding, insufficient physical exercise, accumulation of poisons or toxins in the system, change of life or various other causes. To determine the cause an examination by a physician is desirable. As Norma does not remove the cause of high blood pressure, it is advisable to discover the cause and use corrective medical or hygienic measures while taking Norma. Norma, however, usually reduces high blood pressure and thereby relieves dizziness, head pains, nervousness, restlessness, sleeplessness and other discomforts and pains accompanying it. Those Who Know They Have High Blood Pressure. Thousands of persons have been told by insurance medical examiners and practicing physicians that they have high blood pressure. Such persons usually find great relief with Norma which reduces most forms of high blood pressure promptly and satisfactorily. It thereby tends to bring relief from dizziness, head pains, nervousness, sleeplessness, restlessness, melancholia and other distress and ills due to high blood pressure and usually enables blood pressure sufferers to go about their daily work and pleasures in comfort. One bottle often brings wonderful relief."

On February 23, 1928, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15565. Misbranding of D-O-D specific. U. S. v. 139 Boxes of D-O-D Specific. Motion for bill of particulars. Bill of particulars filed. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20109. I. S. No. 14659-v. S. No. C-4744.)

On June 19, 1925, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 139 boxes of D-O-D specific, at Columbus, Ohio, consigned by the C. Nelson Smith Co., about March 28, 1925, from Milwaukee, Wis., alleging that the article had been shipped in interstate commerce from the State of Wisconsin into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended. On September 15, 1925, C. R. Neumann, Columbus, Ohio, having appeared specially and having filed a motion to make the libel definite and certain, and the court having sustained said motion, a bill of particulars was filed, setting forth the following labeling of the product: "Home Remedy for Gangrene, Aching, Tired, Sore, Sweaty and Bad Smelling Feet, Barber's Itch, Burns, Cuts, Scalds, Cholera Morbus, Colic, Chilblains, Sores, Eczema, Hives, Rashes and Other Skin Diseases, Contents 6 Ozs. * * * Non-Poisonous Remedy For Diphtheria, Sore Throat, Stomach and Bowel Troubles. See Folder For Directions." The said folder contained the following statements: "D-O-D The Human Cleaner * * * Good Health is natural but we indulge in Excesses which affect us and often our children. We do not live according to nature's laws, consequently poisonous bacteria develop and cause many diseases. If nature itself does not expel them and the Dead Tissue which they cause, Help must come from some other source. D-O-D by actual use has proven to be a Help in ridding the system of these injurious substances. D-O-D is sold in Powder form Only and is made ready for use by dissolving in warm water in proportions which have proven most efficient in treating particular diseases. * * * This circular contains directions in the use of D-O-D. Follow Them Closely. This is very important for upon it depends relief—also the reputation of D-O-D. Please Read what follows, not what people think or say but statements of fact Under Oath of those who suffered, regarding the exclusive use of D-O-D and results obtained. Please note that these affidavits refer to diseases which frequently prove fatal. * * * Gangrene * * * To You, the Afflicted—My case was a diabetic gangrene of the most aggravated kind. The disease had progressed all over one foot, to one and a half inches above the ankle. I was suffering excruciating agony and physicians shook their heads as they examined me and said my condition gave little hope of improvement. That left only one conclusion for me—the grave. I had tried all the remedies prescribed by my physicians, yet without the slightest relief. I was induced to use D-O-D. The first treatment gave immediate and great relief. Now, after using D-O-D for three months, I am in perfect condition. My foot does not ache and the gangrene has entirely disappeared. I will also state that I have not been under a physician's care

since using D-O-D. * * * July 12, 1917, I made affidavit that I had been cured of diabetic gangrene by the use of D-O-D only. * * * The gangrene first attacked me on December 13, 1913. It went from bad to worse until in March, 1914, I had my left foot amputated about four inches below the knee. In March, 1917, it broke out in my right foot and while it received medical attention from five different doctors, it reached a condition which seemed beyond cure. Up to that time I had never used D-O-D, but from the date I began to use it improvement began and continued until completely cured. I am so anxious to relieve the suffering of those afflicted with this dreadful disease that I am volunteering this affidavit as conclusive evidence of the value of D-O-D and its effect upon me. I believe D-O-D properly applied and directions closely followed will cure any case of diabetic gangrene. * * * On the 27th of February, 1921, a diabetic abscess developed on my right foot and gangrene followed immediately, which proved to be more than the best medical skill could cure, and on May 27th of the same year my limb was amputated above the knee. We traveled hundreds of miles and spared no money in search of help, but was compelled to submit to an amputation. Then gangrene developed on the other foot and was making rapid progress when a Mr. Zephering representing the Rowley Artificial Limb Co. called, of course, to sell a limb. I told him that gangrene had already developed on the other foot. He said don't be unnecessarily alarmed, there is a medicine discovered called D-O-D that will cure gangrene. I was skeptical of course, naturally, after having spent so much money and gone so far with the best medical skill. Well I tried it and in three weeks' time there was a notable change for the better but we continued its use according to directions and made a complete and lasting cure, and I am satisfied that D-O-D applied according to directions will cure any case of diabetic gangrene. * * * Diarrhoea and Fistula * * * I had diarrhoea and bowel cramps so badly that I almost died. The attending government physician treated me without result. I used D-O-D for five days: it positively put my stomach and bowels in order. Also at the same hospital I developed what is known as a T. B. rectum. Dr. Brooks lanced same in Jan., 1923. In March, 1923, the fistula came back got very large and I was advised by a Dr. Moon to have it lanced again, but instead I injected a solution of D-O-D every evening for thirty days and the same became cured. D-O-D did nothing more nor less than save my life. It is absolute indispensable for bed patients and as an antiseptic in bath water, and will destroy all body odors and heal bed sores. * * * Kidney and Bladder * * * Some years ago I was suffering with Kidney and Bladder trouble and was treated by several physicians without any results. In 1917 I was examined and treated by an eminent Milwaukee physician and he diagnosed my illness as tuberculosis of the kidney and informed me that there was nothing he could do for me and suggested that I leave Milwaukee for a milder climate in order to prolong my life. I continued along in this condition until the fall of 1920 and lost in weight until I weighed only 135 pounds, and had given up hope of getting well. At that time a friend of mine spoke to me about D-O-D and induced me to try it. As a last resort I decided to give it a trial and in the course of 60 days I noticed an improvement and continued its use with excellent results. During the past 3½ years I have used two \$1.00 cans of your D-O-D and am in better health than I have been in 15 years. In fact, at the present time I weigh 180 pounds, which is more than I ever weighed. I cannot speak too highly of your D-O-D and can recommend it to any one who may be suffering from Kidney and Bladder trouble. * * * Eczema, Running Sores, Shingles, Hives, Rashes, Barber's Itch, Poison Ivy. * * * D-O-D as Douche An efficient and harmless douche is so important and necessary in maintaining the good health of womankind that we give it special mention. After you have once used D-O-D as a douche, we are sure you will never change to any other. It is a perfect cleanser, cuts away dead tissue and kills poisonous seed or germs. Do not hesitate or fail to use it. * * * Steam and Vaporizing—Asthma, Influenza, Bronchitis, Catarrh, Colds, Sore Throat, Hay Fever, Grippe * * * Poisonous Bites, Scalds, Burns, Flesh Infection, Blood Poisoning * * * Carbuncles, Boils * * * Use Internally for stomach and bowel troubles. Dyspepsia, Dysentery, * * * Ptomaine Poisoning, Cholera Morbus, Colic * * * Pyorrhea * * * Diabetes * * * Piles * * * Mouth Wash * * * If you would keep disease away, begin at the fountain source—the mouth. The wholesome healthy breath is not the sweet scented one but the natural one kept from impurities. Food masticated but not swallowed fills the cavities in the teeth and the space between them and very quickly de-

velops bacteria injurious to health and offensive to breath. If this is not destroyed, it is carried by the saliva and drink into the stomach from which it may spread disease to the different parts of the system. The brushing of the teeth with various preparations which whiten them does not necessarily kill the bacteria. You must have a strong antiseptic. D-O-D properly used will do the work. * * * When you have used the glassful, the danger of infection will be overcome. * * * Bath—Last, but not least, for health and youthful feeling is a D-O-D bath.”

Analysis of a sample of the article by this department showed that it consisted essentially of sodium bicarbonate, potassium permanganate, and a trace of charcoal.

It was alleged in the libel that the article was misbranded in that the label, and the circular contained within the packages bore statements regarding the curative and therapeutic effects of the said article which were false and fraudulent, in that it contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed in the said circular and label, and in that it was insufficient of itself for the successful treatment and cure of the ailments and diseases for which it was prescribed and recommended in the said statements.

On January 23, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15566. Misbranding of D-O-D specific. U. S. v. 108 Boxes of D-O-D Specific. Demurrer to the libel filed. Demurrer sustained. Amended libel filed. Default decree of condemnation, forfeiture, and destruction entered. (F. & D. No. 20144. I. S. No. 14850-v. S. No. C-4748.)

On June 25, 1925, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 108 boxes of D-O-D specific, at Columbus, Ohio. On September 17, 1925, C. R. Neumann, Columbus, Ohio, having appeared specially and demurred to the said libel, and the court having sustained the demurrer, an amended libel was filed. It was alleged in the amended libel that the article had been shipped by the C. Nelson Smith Company, from West Allis, Wis., on or about June 9, 1925, and had been transported from the State of Wisconsin into the State of Ohio, and that it was misbranded in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium bicarbonate, potassium permanganate, and a trace of charcoal.

Misbranding of the article was alleged in the amended libel for the reason that the following statements, “D-O-D Home Remedy for gangrene, aching, tired, sore, sweaty and bad smelling feet, barber’s itch, burns, cuts, scalds, cholera morbus, colic, chilblains, sores, eczema, hives, rashes and other skin diseases, contents 6 ozs. For Diphtheria, sore throat, stomach and bowel troubles,” borne on the label of the package containing the said article, were false and fraudulent in that the said statements conveyed the impression to purchasers that the article could be used as an effective remedy for gangrene, aching, tired, sore, sweaty and bad smelling feet, barber’s itch, burns, cuts, scalds, cholera morbus, colic, chilblains, sores, eczema, hives, rashes and other skin diseases, and for diphtheria, sore throat, stomach and bowel troubles, whereas it could not be so used, as the C. Nelson Smith Company well knew.

On or about December 19, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15567. Misbranding of B-L. U. S. v. 10 Dozen Bottles of B-L (Blud-Life). Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22159. S. No. 209.)

On November 17, 1927, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 dozen bottles of B-L (Blud-Life), remaining in the original unbroken packages at Columbia, S. C., alleging that the article had

been shipped by the Blud-Life Co., from Pulaski, Va., October 11, 1927, and had been transported from the State of Virginia into the State of South Carolina, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of magnesium sulphate (Epsom salt) and water, with small amounts of phosphate, salicylate, iron, quinine, and strychnine, and a red coloring material.

It was alleged in the libel that the article was misbranded in that the statement in the booklet accompanying the said article, "Fine Tonic For Children B-L, because of its great tonic properties, is especially good for children, and may be given with perfect safety as it contains no alcohol nor anything to harm the most delicate child," was false. Misbranding was alleged for the further reason that the statements upon and within the packages containing the article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On December 23, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

1556S. Misbranding of Fosfarsinol. U. S. v. 4 Dozen Bottles of Fosfarsinol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22116. I. S. No. 14890-x. S. No. 160.)

On November 1, 1927, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 4 dozen bottles of Fosfarsinol, at San Juan, P. R., shipped by the American Tropical Remedy Co. from Santurce, P. R., on or about October 13, 1927, alleging that the article was being offered for sale and sold in the Territory of Porto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of an arsenic compound, sodium, potassium, and calcium glycerophosphates, a strychnine salt, sugar, alcohol, and water and was flavored with benzaldehyde.

It was alleged in the libel that the article was misbranded, in that the following statements, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton and bottle, translation from Spanish) "Fosfarsinol * * * a powerful tonic for the brain and nerves, a real food for the nervous cells which stimulates and nourishes. Repairs and stops the organic waste, acting as an energetic reconstituent of the cells. Its use is indicated in the diverse forms of neurasthenia, caused by intense dismineralization, neuroanemia, phosphaturia, diabetes, hysteria, rickets, sexual debility (impotence), osteomalacia, premature breakdown and in all cases of general debility;" (circular, translation from Spanish "Fosfarsinol * * * reconstituent. * * * glycerophosphates are the real and true elements of the cellule, exercising a marked estimulative and nutritive action over all the cells, especially over the nervous and osseous system. The glycerophosphates are energetic reconstituents of the nervous system, indicated in such cases where it is necessary to promote a debilitated nutrition and stimulate its activity as it happens in various forms of neurasthenia with its cephalalgia symptoms, mental depression, lack of muscular strength, nervous dyspepsia, insomnia, vertigo, etc. Arrhenal * * * Stimulates and regulates the cellular metabolism in a notable manner. * * * The therapeutic indications for arrhenal are numerous; in cases of pretuberculosis, when the index of organic mineralization has diminished considerably and the tissues are in a state of lateral decadence and can be annulled by the invasion of bacillus Koch, the arrhenal has given the best results. Even in advanced cases of tuberculosis the strength and appetite reappear, diminishes the cough, disnea and night pains, augmenting the weight and strength of the body. This same result truthfully speaking is obtained also with the cacodylate of soda, but the action of arrhenal is far more constant and progressive. Strychnine is the most powerful tonic which materia medica contains. Its stimulant action over the nervous and muscular systems are so notable, that many physicians have compared it with that produced by electricity. It acts specially over the great sympathetic and the muscular fibers of the digestive tract. From there it gets its great impor-

tance in atonic dyspepsia, functional paralysis, relaxation and atrophy of the muscles and nerves, amaurosis, etc. * * * Fosfarsinol is therefore a general reconstituent tonic which acts by stimulating the cellular metabolism. Repairs and stops the organic waste acting as an energetic vitalizing agent over the tissues."

On February 6, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15569. Misbranding of Norma. U. S. v. 35 Bottles of Norma. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22402. S. No. 477.)

On January 27, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 35 bottles of Norma, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Norma Laboratories, Inc., Albany, N. Y., alleging that the article had been shipped from Albany, N. Y., on or about January 12, 1928, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a soluble phosphate, a small amount of plant extractive material, red coloring matter, glycerin, and water.

It was alleged in the libel that the article was misbranded, in that the statements appearing on the bottle label, "A Vaso Motor dilator. The action of Norma is to relieve the strain on the arteries and blood vessels," regarding the curative and therapeutic effects of the said article, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 20, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15570. Misbranding of Ferrasal. U. S. v. 39 Packages of Ferrasal. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22671. I. S. No. 23293-x. S. No. 682.)

On March 29, 1928, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 39 packages of Ferrasal, manufactured by the Crown Remedy Co., Dallas, Tex., remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by M. Arensberg, Inc., New York, N. Y., on or about February 21, 1928, and transported from the State of New York into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium bicarbonate (56 per cent), magnesium carbonate, iron oxide, a tartrate, and starch.

It was alleged in the libel that the article was misbranded, in that the following statements, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Label) "For Acute Indigestion, Headaches * * * Dysentery and Bowel Complaints in adults or children. Ferrasal gives quick relief. * * * For Chronic Indigestion, Constipation, Kidney and Bladder Trouble * * * Dizziness, Bumpy Face and Dull Headache resulting from acid poisons. Ferrasal will give relief if taken according to directions. Ferrasal * * * strikes at the source of the numerous health troubles caused by an over-accumulation of acid poisons in the system and blood. * * * 'The Sign of Good Health' * * * Stops Indigestion Now! For Stomach, Liver and Kidneys * * * For Acute Indigestion take * * * Repeat hourly until relieved. For severe or Chronic Indigestion * * * Also take * * * after any meal that fails to assimilate properly. * * * In cases of Dysentery Bowel Complaint and Ptoimaine Poisoning call your Physician and take * * * immediately. * * * Then

take * * * until the condition is corrected. For Chronic Acid Conditions—Colon Trouble, Blood Disorders, Rheumatism, Kidney and Bladder Troubles, etc., * * * Take regularly until your condition has become normal. In severe cases * * * Ferrasal is absolutely harmless * * * healing * * * If baby * * * spits up food, give * * * Ferrasal."

On April 17, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15571. Misbranding of Grants hygienic crackers. U. S. v. 75 Packages of Grants Hygienic Crackers. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22390. I. S. No. 20064-x. S. No. 467.)

On January 23, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 75 packages of Grants hygienic crackers, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Hygienic Health Food Co., Inc., from Berkeley, Calif., alleging that the article had been shipped from the State of California into the State of Pennsylvania, on or about December 10, 1927, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the cracker was composed essentially of wheat bran, flour, salt, and yeast.

It was alleged in the libel that the article was misbranded, in that the following statements, borne on the label of the packages containing the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "For Constipation, Indigestion, Dyspepsia and Sour Stomach. * * * is in itself a corrector of stomachic troubles * * * provoke the bowels to their normal healthy action. * * * Hygienic Health Food Co. * * * Dyspeptic for 30 years finds Perfect Relief. * * * At your recommendation I bought some of your Hygienic Crackers for experiment as a remedy for chronic dyspepsia. I had suffered from that trouble for thirty years, sometimes so badly as not to be free from torture daily for months at a time. Since using the cracker eating two of same at a meal, using about one pint of warm milk, I am pleased to say I find perfect relief. * * * I have demonstrated to my entire satisfaction that Grants Hygienic Crackers when used at every meal as bread is a positive relief for constipation and allied ailments. * * * A Daily Regulator * * * will help keep the system in good order. * * * Cured a most aggravated case of Constipation * * * With pleasure I write my hearty endorsement of the Hygienic Cracker, as a positive cure for the most aggravated case of constipation. This trouble had undermined my health for years; drugs used for relief seemed powerless. Learning of the curative properties of the Hygienic Biscuits. * * * I have used your Hygienic Crackers * * * for the relief of dyspepsia and obstinate constipation, and have prescribed them in my practice for the same ailments during that time with results most satisfactory, in many cases they have constituted the sole remedy."

On February 27, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15572. Misbranding of Lifo herb medicine. U. S. v. 12 Dozen Bottles of Lifo Herb Medicine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22349. S. No. 400.)

On January 4, 1928, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 12 dozen bottles of Lifo herb medicine, remaining in the original unbroken packages at Boston, Mass., consigned about August 6, 1927, alleging that the article had been shipped by the Lifo Medicine Co., Philadelphia, Pa., and transported from the State of Pennsylvania into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of bitter and laxative plant drug extracts, salicylic acid, alcohol, and water.

It was alleged in the libel that the article was misbranded, in that the following statements, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Lifo * * * For Stomach, Liver, Kidneys and Bowels;" (carton) "Liver and Nerve Tonic Intended to Cleanse the System Producing New Life and Vitality to a Weak and Run Down System * * * New Vigor and Vitality * * * An aid in the treatment of Rheumatism, Lumbago and all disorders caused by uric acid * * * Effective Treatment For Diseases of the Stomach, Liver, Kidneys and Bowels. A Grand System Cleanser and Nerve Tonic * * * Aid Nature in Rebuilding Weak, Overworked and Run Down Systems;" (circular) "For Stomach, Liver, Kidneys & Bowels Lifo is a Medicine especially prepared to reach the cause of our ills and assist Nature in restoring our greatest gift—Health. Lifo is a scientific treatment for the purification, strengthening, and upbuilding of the entire system. It is prepared to assist Nature in removing the health destroying poisons that so frequently accumulate in various parts of our body, and which are the direct cause of so much sickness, and in their stead supply the strong, vigorous vitality that is the first prime necessity in perfect health. Lifo is produced from a proper combination of herbs and vegetables that Nature provides for our ills and they are so intelligently combined and administered that they never fail to give the most pleasing and satisfactory results. * * * a medicine that reaches the cause of over ninety percent of our complaints * * * Indigestion, Dyspepsia, Sick Headache, Rheumatism, Neuralgia, Pains in the Back, or Side, Eczema, Etc. * * * it may be used with as much confidence for diseases and disorders of childhood, as in the ailments of the strongest and most robust, or the aged and infirm patient. Founded as it is on the principle of assisting Nature to perform her perfect work, it may be used with the utmost confidence in all cases requiring the purification of the blood and cleansing of the system. In severe cases of the above mentioned complaints, a good warm bath three times a week will greatly aid the beneficial action of the treatment. You will find Lifo the greatest family medicine in existence, it has no equal, in arousing the Liver and aiding the digestion and assimilation. One dose will prove the value of the Tonic for sour stomach and constipation * * *. It has been estimated that over ninety percent of all diseases originate in the digestive organs and can be traced to constipation. No One Need Suffer from Indigestion or Constipation. Lifo takes the place of the coarse elements of the food. It cleanses the walls of the stomach and intestines. It keeps those impurities from entering the blood stream, it maintains health and a sweet breath, and it gives a buoyancy and vitality, the full pleasure of which you have never known. It must be remembered that Lifo * * * is positive in its action, startling in the results it immediately gives, and stands alone as a system purifier and body builder."

Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity of alcohol contained therein.

On February 24, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15573. Misbranding of Moorite mineral powder. U. S. v. 4 Dozen Small-Size and 11 Large-Size Packages of Moorite Mineral Powder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21049. I. S. Nos. 10815-x, 10816-x. S. No. W-1970.)

On May 1, 1926, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 4 dozen small-size and 11 large-size packages of Moorite mineral powder, at Reno, Nev., alleging that the article had been shipped by the Moorite Products Co., from Seattle, Wash., on or about June 17, 1925, and had been transported from the State of Washington into the State of Nevada, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of clay.

It was alleged in the libel that the article was misbranded in that the labeling contained the following statements, (packages) "Contains wonderful Healing Properties, and when properly applied, equal the best Medicinal Springs * * * Take * * * in any quantity the system may require * * * especially recommended for the treatment of Rheumatism, Neuralgia, Neuritis, Indigestion, Stomach trouble, Kidney and Liver Trouble, Catarrh, Varicose Veins, Burns, Scalds, in fact all inflamed conditions * * * Purifies the Blood, Aids Digestion, Eliminates Bowel and Stomach Gases, Relieves Aches and Pains, Unequaled for Scalds and Burns," (circular) "For Stomach, Bowels, Kidneys, Liver, Indigestion, Sea-Sickness, Blood Disorders and other bodily ailments * * * For Treatment of Rheumatism, Blood Poisoning, Bruises, Cuts, Inflammations, Swellings, Erysipelas, Varicose Veins, Pleurisy, Neuritis, Lumbago, Sciatica, Sores, Ulcers and Sprains * * * in massaging Varicose Veins always rub toward the heart. Ulcers or Broken Veins * * * For Boils and Carbuncles * * * For Eczema, Skin Eruptions, Hives, Rashes, * * * For Congested Lungs, Pneumonia, Chest Colds * * * For Burns or Scalds * * * open sore or wound * * * For * * * Bunions, Corns, Callouses * * * Use * * * until there is relief. For Hemorrhoids or Piles * * * For Constipation * * * In severe cases use * * * as enema or injection * * * For Female Weakness * * * Pyorrhea," which said statements, regarding the curative and therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 20, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15574. Misbranding of Phospho-Lecithin. U. S. v. 30 Dozen Bottles of Phospho-Lecithin. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22384. I. S. No. 17726-x. S. No. 453.)

On or about January 26, 1928, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 30 dozen bottles of Phospho-Lecithin, remaining in the original unbroken packages at Los Angeles, Calif., consigned by Henry K. Wampole & Co., Inc., alleging that the article had been shipped in interstate commerce on or about October 24, 1927, from Philadelphia, Pa., into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium, potassium, calcium and strychnine glycerophosphates, lecithin, sugar, alcohol, and water.

It was alleged in the libel that the article was misbranded in violation of section 8, paragraph 3, of said act as amended, in that it was labeled in part as follows: (Circular) "Nerve-Food * * * Phospho-Lecithin contains the elements which form the base of all nerve-structure, the Glycerophosphates and Lecithin, and is therefore a nerve-food and tonic in all cases where the nervous structure has been weakened by anxiety, overwork or excess of any kind. It builds up the nerve-tissue, adds to its tone and proves of great value in supporting the system when exposed to severe and prolonged bodily or mental strain. Phospho-Lecithin contains phosphorus in organic combination as it exists in the nerve-tissues, and it has been fully demonstrated that phosphorus plays an important part in modifying the wasteful changes which always accompany diseases of the nervous system. The Glycerophosphates and Lecithin are not merely nerve-stimulants, but are actual organic food for nerve-tissue, giving to the system just those elements, in a readily assimilable form, needed to build up and restore the nervous organization to its normal condition. Phospho-Lecithin is indicated in nervous prostration, nerve-exhaustion, nervous debility, nervous excitement, hysteria, insomnia, and in all depressed conditions of the nervous system. It checks sweating due to nervous debility and is of great value as a restorative after typhoid fever, typhoid pneumonia and during convalescence following injury or disease."

On February 13, 1928, Henry K. Wampole & Co., Inc., Philadelphia, Pa., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered,

and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, conditioned that it be relabeled in a manner satisfactory to this department, and not be sold or otherwise disposed of contrary to law.

W. M. JARDINE, *Secretary of Agriculture.*

15575. Misbranding of Norma. U. S. v. 4½ Dozen Bottles of Norma. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22202. S. No. 255.)

On November 25, 1927, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 4½ dozen bottles of Norma, remaining in the original unbroken packages at Hartford, Conn., alleging that the article had been shipped by the Norma Laboratories, Inc., Albany, N. Y., on or about July 21, 1927, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a soluble phosphate, a small amount of plant extractive material, red coloring matter, glycerin, and water.

It was alleged in the libel that the article was misbranded, in that the following statements, upon and within the packages containing the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Blood Mechanism Regulator. Indicated in cases of discomfort caused by high blood pressure; deficient nerve nutrition, etc.;" (circular) "The function of Norma is to aid the nature in its efforts to rehabilitate itself and thus relieve the many sufferers from the distressing and unpleasant symptoms which usually accompany disturbances of human blood mechanism and manifest themselves in so-called high blood pressure. So-called 'High Blood Pressure' is not a disease. It is a symptom of an abnormal condition. Sometimes it is one of the manifestations of Bright's disease—then again it may be a result of mental worry or strain and then again it may be just the consequence of unhygienic living and occurring usually in over and improper feeding and insufficient physical exercise."

On January 14, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15576. Misbranding of Norma. U. S. v. 15 Dozen Bottles of Norma. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22204. S. No. 247.)

On November 25, 1927, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 15 dozen bottles of Norma, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Norma Laboratories, alleging that the article had been shipped from Albany, N. Y., on or about August 27, 1927, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a soluble phosphate, glycerin, and water, with a small amount of plant extractive material, and was colored red.

It was alleged in the libel that the article was misbranded, in that the label contained statements regarding the curative or therapeutic effects of the said article which were false and fraudulent in that the article would not produce the curative or therapeutic effects which purchasers were led to expect by the following statements: (Bottle label on portion of product) "A medicine containing an ingredient recognized by many leading physicians as helpful in the treatment of High Blood Pressure;" (circular in portion of product) "The function of Norma is to aid Nature in its efforts to relieve the many sufferers from the distressing and unpleasant symptoms which usually accompany and manifest themselves in high blood pressure. High Blood Pressure is not a disease. It is a symptom of some disorder or abnormal condition. Sometimes it may be a

result of mental worry or strain. Then again it may be the consequence of unhygienic living, over and improper feeding, insufficient physical exercise, accumulation of poisons or toxins in the system, change of life or various other causes. To determine the cause an examination by a physician is desirable. As Norma does not remove the cause of high blood pressure, it is advisable to discover the cause and use corrective medical or hygienic measures while taking Norma. Norma, however, usually reduces high blood pressure and thereby relieves dizziness, head pains, nervousness, restlessness sleeplessness and other discomforts and pains accompanying it. Those who know they have high blood pressure. Thousands of persons have been told by insurance medical examiners and practicing physicians that they have high blood pressure. Such persons usually find great relief with Norma which reduces most forms of high blood pressure promptly and satisfactorily. It thereby tends to bring relief from dizziness, head pains, nervousness, sleeplessness, restlessness, melancholia and other distress and ills due to high blood pressure and usually enables blood pressure sufferers to go about their daily work and pleasures in comfort. One bottle often brings wonderful relief;" (bottle label, remainder of product) "Blood Mechanism Regulator. Indicated in cases of discomfort caused by high blood pressure; deficient nerve nutrition, etc;" (circular, remainder of product) "The function of Norma is to aid the nature in its efforts to rehabilitate itself and thus relieve the many sufferers from the distressing and unpleasant symptoms which usually accompany disturbances of human blood mechanism and manifest themselves in so-called high blood pressure. So-called 'High Blood Pressure' is not a disease. It is a symptom of an abnormal condition. Sometimes it is one of the manifestations of Bright's disease—then again it may be a result of mental worry or strain and then again it may be just the consequence of unhygienic living and occurring usually in over and improper feeding and insufficient physical exercise."

On January 3, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture*

15577. Adulteration and misbranding of cod liver oil. U. S. v. 70 Barrels of Cod Liver Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22037. I. S. No. 19558-x. S. No. 77.)

On August 30, 1927, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 70 barrels of cod liver oil, at Chicago, Ill., alleging that the article had been shipped by P. R. Dreyer, from New York, N. Y., March 7, 1927, and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Brodr. Aarsoether A/S—Poultry Cod Liver Oil, Adlesund, Norway."

Analysis of a sample of the article by this department showed that the oil had a specific gravity of 0.916; that 2 grams of the oil required 1.5 c. c. of tenth-normal sodium hydroxide for neutralization; that it contained approximately 7.5 per cent of unsaponifiable matter; and that it had a saponification value of 172.2.

It was alleged in the libel that the article was adulterated, in that it was sold and shipped as cod liver oil, a name recognized in the United States Pharmacopoeia, and differed from the standard prescribed by the said pharmacopoeia.

Misbranding was alleged for the reason that the statement on the label, "Cod Liver Oil," was false and misleading.

On October 28, 1927, Brodr. Aarsoether, a foreign corporation of Norway, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be relabeled "Oil for Animal Feeding Only, This is not Cod Liver Oil," and further conditioned that it might be shipped out of the United States under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture*.

15578. Misbranding of Double O medicine. U. S. v. 2 Dozen Two-Dollar Size and One Dozen Three-Dollar Size Packages of Double O. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22164. I. S. No. 17634-x. S. No. 204.)

On November 14, 1927, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2 dozen two-dollar size and 1 dozen three-dollar size packages of Double O medicine, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Red Star Laboratories Co., from Chicago, Ill., October 4, 1927, and transported from the State of Illinois into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of resins (such as those from buchu and copaiba), extracts of vegetable drugs, volatile oils, sugar, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements, borne on the carton label and in the accompanying circulars, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed: (Circular in shipping package) "Your most wonderful medicine 'Double O,' of which I have taken for gonorrhea is certain a marvel * * * Our preparation is to-day recognized as the most dependable product in this line * * * until we entered the field nothing had been offered which invariably would bring the desired relief to those who need it in new as well as in chronic cases * * * Parties buying Double O get results * * * Good for the poor devil;" (carton) "Absolutely safe internal medicine;" (circular headed "Don't Let Them Fool You" enclosed in retail package) "the medicine which is now known and acknowledged the best, the safest, and the most satisfactory in every respect. * * * Our duty to You—To supply you with the best which experience and scientific knowledge can produce. Your duty to Yourself—To regain your former status of health;" (directions circular) "To secure satisfactory results it is absolutely necessary to continue the treatment without interruption. Stopping for a day or two may set the patient back to a former condition. It is advisable even after it appears that everything is in order, to continue taking the medicine for a week or 10 days longer * * * Chronic Cases: The 'Double O' medicine contains particularly effective ingredients for old neglected cases * * * it may take 3 or 4 bottles before satisfactory results are apparent. Safety: * * * The medicine may be used with perfect confidence."

On January 16, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15579. Misbranding of W H Y. U. S. v. 15 Cases and 4 Cases of W H Y. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21952. I. S. Nos. 12841-x, 12842-x. S. No. E-3286.)

On June 9, 1927, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a District Court, a libel praying seizure and condemnation of 15 cases of the 1-pound size, and 4 cases of the 4-ounce size, of W H Y, labeled as prepared by the Bartlett Nu Products Corp., Pasadena, Calif., at Washington, D. C., alleging that the article was being sold and offered for sale in the District of Columbia, by the Health Food Center, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of water-soluble constituents of caramelized cereals (50 per cent) and water (50 per cent).

It was alleged in the libel that the article was misbranded, in that the following statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton labels) "Aids digestion assimilation and elimination * * * health sustaining food * * * keeps old age away * * * recommended by physicians and dietitians everywhere * * * The cup of life * * * feeds your Nerves * * * feeds your Glands * * * gives you Strength * * * for your Health's Sake

* * * Clears the skin and gives that coveted healthy complexion;" (bottle labels) "The cup of life * * * infants * * * A natural laxative * * * Easily assimilated by sensitive stomachs;" (small white circular accompanying 1-pound size) "Drink Health * * * is very quieting to the nerves;" (white folder accompanying 4-ounce size) "brings them health and strength. Babies reared from birth on W. H. Y. are strong and healthy far above the average. W. H. Y. not only maintains health, but it * * * gives strength, energy and endurance. Secret of Health * * * sickness, weakness, sallow cheeks, wretched nerves, aches and pains and premature old age! This was the thought that came to the noted scientist, George Maurice Bartlett, fifteen years ago while he was slowly recovering from almost fatal breakdown. The thought persisted. He began an analysis of every known food grown upon the globe, and every possible combination of foods. And at last, after spending a private fortune of \$500,000 in research work, he found and perfected what he was looking for—the formula for W. H. Y. * * * In a form every stomach can easily digest. * * * life-giving elements * * * W. H. Y. tones up the whole system, enabling it to function as it should—maintaining health and energy * * * increased vitality and endurance. * * * recommended by Physicians and Dietitians everywhere. * * * prescribed by hundreds of Physicians. * * * wonderfully healing and restorative value and thereby assists Nature in a natural way in toning up the bowels, liver, kidneys, stomach and digestive organs. One of the greatest difficulties to be met in the treatment of disease is the question of nutrition,—finding something the patient can eat and retain while recovery is taking place. W. H. Y. has proven to be a boon to many sufferers from nervousness, sleeplessness, hardening of the arteries, rheumatism, Bright's disease, apoplexy, premature old age, indigestion, constipation, sick headaches, biliousness and many other ailments. * * * Babies thrive on it, and it is essential to the best growth of children. W. H. Y. restores vigor and youth to old age. * * * gives strength and endurance. * * * lived from ten days to six months * * * lived six months * * * was restored to perfect health by its use. * * * A Boon to Every Woman * * * medicinal values. * * * wonderful medicinal values. Every woman should know how to live without pain, how to keep * * * youthful vigor * * * Do you suffer pains, cramps, headache, and other complaints peculiar to women? W. H. Y. removes all such suffering. There is a merit in W. H. Y. that all mothers with daughters growing into womanhood should know about. * * * For your Health's Sake Drink W. H. Y."

Misbranding was alleged for the further reason that the following statements regarding the said article were false and misleading and deceived and misled the purchaser: (1-pound size, case) "Balanced * * * 'Rich in vitamins,'" (carton) "Super-food * * * vital essence * * * wonderfully balanced * * * supplies nature's essential requirements enabling the body to take care of itself * * * Rich in vitamins * * * Approved by the U. S. Pure Food Commission;" (bottle label) "Complies with pure food laws * * * super-food * * * balanced * * * vital elements * * * Rich in vitamins;" (small white circular) "Balanced * * * to a wonderful degree * * * complete diet * * * fully balanced meal;" (4-ounce size, carton) "Super-food * * * vital essence * * * wonderfully balanced * * * supplies nature's essential requirements enabling the body to take care of itself * * * Rich in vitamins * * * Approved and used by Uncle Sam;" (bottle label) "Complies with pure food laws * * * super food * * * balanced * * * vital elements * * * rich in vitamins;" (white folder) "balanced, life-sustaining * * * Perfectly Balanced * * * vital elements necessary to sustain life and maintain health! * * * potent good * * * a satisfying food * * * balanced * * * United States Authorized Chemists. * * * After months of exhaustive tests the U. S. Government allows for W. H. Y. the use in U. S. Mail labels and circulars bearing such claims as * * * 'Rich in Vitamines,' * * * No other product on the market is entitled to all these claims. W. H. Y. contains every essential element needed in the human body. * * * rich in vitamins * * * most satisfying * * * balanced * * * in place of coffee * * * A perfect food * * * We guarantee W. H. Y. to make good every claim or we stand ready to refund your money."

Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the product was a liquid and the quantity of contents was marked in terms of weight.

On January 3, 1928, Albert H. Beachley, Washington, D. C., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, conditioned in part that it not be sold or otherwise disposed of contrary to law.

W. M. JARDINE, *Secretary of Agriculture.*

15580. Adulteration and misbranding of Ra'-Balm and Ra'-Aid. U. S. v. 4 Dozen Packages of Ra'-Balm, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 22151, 22152, 22153. I. S. Nos. 17626-x, 17627-x. S. No. 202.)

On November 15, 1927, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 4 dozen packages of Ra'-Balm and 35½ dozen packages of Ra'-Aid, remaining in the original unbroken packages at San Francisco, Calif., alleging that the articles had been shipped by the National Radium Laboratories, Inc., from Minneapolis, Minn., on or about June 28, 1927, and transported from the State of Minnesota into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the Ra'-Balm was an ointment containing soap, salicylates including methyl salicylate, and a small amount of mineral material, and that it did not contain radium; and that the Ra'-Aid consisted essentially of an aqueous solution of boric acid, zinc and sodium sulphates and chlorides, colored green with a coal-tar dye and flavored with peppermint oil; and that it did not contain radium.

Adulteration was alleged in the libel with respect to the Ra'-Balm for the reason that its strength fell below the professed standard or quality under which it was sold, namely: (Carton and bottle label) "Genuine Radium Salve * * * Ra'-Balm * * * Guaranteed to Contain Actual Radium of High Purity * * * National Radium Laboratories;" (white circular) "Ra'-Balm, which is a strongly charged Radium salve * * * Ra'-Balm means Radium-Balm, and contains genuine Radium * * * National Radium Laboratories."

Misbranding was alleged with respect to the said Ra'-Balm for the reason that the above-quoted statements borne on the labeling were false.

Adulteration of the Ra'-Aid was alleged for the reason that its strength fell below the professed standard or quality under which it was sold, namely, "Genuine Radium Solution * * * National Radium Laboratories."

Misbranding was alleged with respect to the said Ra'-Aid for the reason that the above quoted statements borne on the labeling thereof were false.

Misbranding was alleged with respect to both products for the further reason that the following statements regarding the curative or therapeutic effect of the articles were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Ra'-Balm, carton) "Rheumatism and all Inflammatory Conditions;" (Ra'-Balm, bottle label) "For all Inflammatory Conditions, * * * For Rheumatism and inflammatory conditions take hot bath from 30 to 45 minutes. Rub Ra'-Balm in thoroughly until it penetrates, 2 or 3 times a day. For other ailments such as sprains, swellings, colds, aches, stiff joints, apply hot towels to sore part, and rub in Ra'-Balm as directed above, 2 or 3 times a day until all pain disappears, * * * Ra'-Balm is unequalled in eliminating aches, pain and inflammatory conditions * * * There is nothing which equals Ra'-Balm when used as a shampoo, as it eliminates scalp disease, stimulates the Hair Cells and increases the activity of the same. In many cases Ra'-Balm will eliminate baldness;" (Ra'-Balm, white circular) "The use of Radium is indicated in chronic women's diseases, Neuralgia, Neuritis, Lumbago, Goitre, nervous diseases, or any inflammatory condition, by using Ra'-Balm, which is a strongly charged Radium salve that penetrates through the entire body. * * * It took many years to perfect this wonderful salve, which penetrates, reduces and eliminates pain from any part of the body. It has been acknowledged by leading doctors and scientists to be the most efficient easer of pain known and an effective destroyer of the disease itself in its finality. The penetrating action of Ra'-Balm is due to the Radium Content. Ra'-Balm, when used according to directions, will simplify and ease pain whether the inflamma-

tion be in the wrist, elbow, shoulder, knee, ankle, etc., eliminating any pain caused from Rheumatism or colds. Ra'-Balm puts an end to such ailments as Lumbago, Neuralgia, Neuritis, Aching muscles, stitch in the side, Crick in the neck, or that tired feeling. It works miraculously. Thousands of users praise it. Ra'-Balm when used as a shampoo, eliminates Scalp disease and makes the hair cells more active and in many cases eliminates baldness. When used in treating Goiter, apply several hot towels to part affected, then rub Ra'-Balm in thoroughly until it penetrates. Ra'-Balm should be applied 3 to 5 times daily until all swelling disappears. * * * Ra'-Balm for Rheumatism;" (Ra'-Aid, bottle label and carton) "Guaranteed to relieve and prevent pyorrhea * * * Ra'-Aid * * * Destroys Germs Heals Gums—Saves Teeth;" (Ra'-Aid, carton, only) "Pyorrhea Preparation;" (Ra'-Aid, bottle label only) "Pyorrhea Remedy * * * To eradicate pyorrhea * * * Ra'-aid should be used three or four days prior to scaling to remove soreness and swelling. * * * Irrigate all pockets with full strength Ra'-Aid * * * and apply to gum margin of all teeth;" (white circular) "Radium—The use of Radium by the medical profession is rapidly increasing, but its possibilities are not yet fully appreciated. Only an absolute lack of knowledge of the benefits to be obtained from the use of Radium can account for failure to adopt this method of treatment for disease. Radium, as a curative agent, has positively demonstrated its effectiveness in a long list of ailments, and its beneficent influence upon many of the bodily functions. It has an assured place in Therapeutics. Heretofore, its application under radical procedure, has been largely confined to the treatment of cancer, but it is now well known that Radium has a wide field of usefulness in the treatment of various disorders, which have proven either obstinate or incurable, and for which no other satisfactory treatment has been found. Radium is a physical agent, it is not a drug, and is not classed as a medical remedy. It forms no known chemical compounds within the body, but by its powerful action it stimulates chemical change, activate protoplasmic cells and tissues and promotes normal functioning. Radium lowers blood pressure. Radium modifies the constitution of the blood. Radium increases excretion of urine and uric acid. Radium increases sexual activity. Radium treatments are given by means of baths and by rubbing in Radium charged salve, until it penetrates and by direct exposure to Radium Rays. The technique is simple, and maximum results assured;" (Ra'-Aid, yellow circular) "What is Pyorrhea? It is a gum disorder that will rob you of your teeth—causing no end of suffering unless it is checked in its early stage! A very evil thing about it is, it does not manifest itself for months and months after it begins its eventual destruction of your teeth! You may now have it and don't know it—that's the pitiable thing about it! Four out of every five around forty are afflicted, some know it—thousands do not! Those who have it suffer with sore gums, loose teeth and shrinking gums, and how painful is this dreaded disease when it has its victim in its grasp. How these same people could have saved endless suffering and saved many a tooth had they known that Ra'-Aid would have prevented Pyorrhea from gaining headway. That's because it is such a sly worker—it doesn't begin by aggravating your gums or teeth—it starts in the gum tissues, nibbling at the cells day after day, month upon month—then all of a sudden you feel a soreness around your teeth—the gums get sensitive; but still you're apt to neglect to heed the warning given—you say: 'Oh pshaw, I've taken a little cold,' and you laugh off the signal Nature sends out. Had you resorted to Ra'-Aid the inflammation would not continue—and though you may gain a little temporary relief by applying some little local lotion,—this relief is only temporary—and that's the sad thing about Pyorrhea—it may be 'nursed' to restore comfort—but on and on this deceitful disease continues, and at each outbreak it gets worse and worse, and nothing can you do to gain permanent relief until you remove the cause! The Cause of Pyorrhea—Tartar on the teeth chiefly starts the gums to become inflamed—they swell, are sore and painful. Often they change in color from the natural flesh color, to an angry-looking fiery red—then they get tender and bleed, and when neglect to have the tartar removed the breath becomes offensive—a nasty taste clings to your mouth—the gums shrink from your teeth, with the result that they become 'wobbly' and in time drop out; Then it is you know you've pyorrhea! Why wait for that time to come? Why not check this insidious disease in its infancy? It can be done. You can do it with the greatest of all remedies ever known for all mouth disorders—infections of the gums—and rid yourself

for all time of that distressing disease—Pyorrhea—by faithfully and regularly using Ra'-Aid. Ra'-Aid is the treatment you need—it will end for all time any mouth infection, as it is scientifically prepared with Radium, the greatest known force in the world, acknowledged by the leading Doctors and Scientists to be the most radical and efficient destroyer of germ life and diseased tissues known. Radium not only destroys Pyorrhea but prevents it making inroads on your cherished possessions—your teeth—and that's why Ra'-Aid is as good as it is! Use Proves its Worth—Thousands of users praise it—it works miraculously—entirely frees you from the evil effects of Pyorrhea. This great remedy should be your daily companion—its cost is a trifle in comparison to the benefits you'll derive through its constant use. We know what it will do for you—we know its sterling merits and that's why we say 'Money back if not satisfied!' We Guarantee Ra'-Aid to relieve, prevent or destroy Pyorrhea, and will return its cost should it fail to satisfy."

On January 17, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15581. Misbranding of Borine. U. S. v. 5% Dozen Small Size Bottles, et al., of Borine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21992. S. No. 30.)

On July 26, 1927, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5% dozen small-size, 6 dozen medium-size, and 3 dozen large-size bottles of Borine, remaining in the original unbroken packages at Hartford, Conn., alleging that the article had been shipped by the Borine Manufacturing Co., New York, N. Y., on or about July 9, 1927, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of essential oils, boric acid, formaldehyde, glycerin, alcohol, and water.

It was alleged in the libel that the article was misbranded, in that the statements upon the carton containing the said article, to wit, "Antiseptic * * * The alkalinity of Borine average about 0.108% expressed as Sodium Carbonate," were false and misleading in that the article was not an antiseptic, and contained no sodium carbonate, or other alkali. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effect of the article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Avoid colds, sore throat and contagious diseases. 'A Clean mouth insures good health—Borine insures a clean mouth' * * * A Penetrating Healing * * * Antiseptic * * * You will find sound teeth, healthy gums * * * and good health are produced and maintained by the daily use of Borine Antiseptic Mouth-Wash * * * stops decay of food particles lodged about the teeth, prevent soreness of the gums and mouth * * * For a Douche: Dilute one to two tablespoonfuls of Borine in a pint of warm water. Borine is an excellent remedy for the treatment of vaginal catarrh, leucorrhea and other inflammatory conditions of the vagina and uterus, cleansing the inflamed membrane from all irritating and ill-smelling discharges, stimulating and toning it to a normal condition;" (circular) "The Bridge to Good Health Borine * * * Healing Antiseptic Prevents Colds and all Throat Troubles * * * Prevents colds and sore throat * * *."

On October 11, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15582. Misbranding of Lifo gland tablets. U. S. v. 8½ Dozen Packages of Lifo Gland Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22025. I. S. No. 14783-x. S. No. 52.)

On August 19, 1927, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure

and condemnation of 8½ dozen packages of Lifo gland tablets, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Lifo Medicine Co., from Columbus, Ohio, alleging that the article had been shipped from Columbus, Ohio, in part on or about April 21, 1927, and in part on or about April 23, 1927, and transported from the State of Ohio into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part as follows: "Lifo Gland Tablets are a pharmaceutical preparation of Glands, Nux, Blaud's Mass, Damiana and Zinc Phosphide."

It was alleged in the libel that the article was misbranded, in that the labeling contained statements, designs, and devices regarding the curative or therapeutic effects of the said article which were false and fraudulent, in that the article would not produce the curative or therapeutic effects which purchasers were led to expect by the following statements, designs, and devices, which were applied to the said article with a knowledge of their falsity, for the purpose of defrauding purchasers thereof: "Lifo * * * A nerve, tissue, blood and vitality builder. Pharmaceutical preparation for men and women whose vital organs need toning up * * * For weakness, nervousness, loss of sleep, loss of appetite and also that tired worn-out feeling."

Misbranding was alleged for the further reason that the representation that the product was gland tablets was false and misleading, since it contained ingredients other than glands.

On September 16, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture*

15583. Misbranding of Agmel. U. S. v. 6 Dozen Cans of Agmel. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21429. I. S. No. 4661-x. S. No. C-5280.)

On December 3, 1926, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6 dozen cans of Agmel, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Agmel Corporation, Los Angeles, Calif., on or about November 11, 1926, and transported from the State of California into the State of Missouri, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Nature's Remedy * * * A powerful tonic * * * For disorders of the kidneys * * * Especially beneficial in the treatment of Bright's disease, diabetes, rheumatism, high blood pressure, indigestion, and other disorders caused by incorrect diet and faulty assimilation. Nature's Remedy for the Stomach, Nerves & Kidneys," (Spanish translation) "For the stomach, nerves and anemia it has no rival. Natural remedy for Albuminuria and the Urinary Tract;" (folder) "Kidney Troubles—Agmel acts for strengthening and upbuilding the kidneys and increasing their ability to filter the blood. It has proved remarkably effective in the relief of the following conditions: Bright's Disease—Nearly every case of Bright's Disease treated has been greatly helped or has completely yielded to Agmel. Use as outlined in general instructions. If the condition is bad, take as much Agmel as the body will stand * * * Too much is not harmful. * * * Bladder Irritation * * * Many Agmel users write that they have been completely relieved of bladder irritation. * * * Prostatitis—Agmel being strongly antiseptic and tending to normalize acid condition of the blood, soothes and relieves inflamed and enlarged conditions of the prostate gland. Take a teaspoonful before each meal and again on retiring until relief is obtained. Stomach Troubles—Agmel is rich in the active yeasts, vitamins and minerals that stimulate and aid digestion and assimilation. In practically every kind of stomach trouble it tends to bring about a normal condition of health. * * * Stomach and Duodenal Ulcers * * * Agmel in addition to bringing about a normal condition in the stomach and intestines, has decided antiseptic and anti-scorbutic properties which heal irritation and ulcers. Relief has been obtained on the inflamed or diseased condition completely corrected in a large majority of such cases * * * Diabetes—In diabetes the first few days of using Agmel sometimes has a tendency to greatly increase the amount of sugar in the urine. Do not be alarmed at this. The Agmel is driving out of the liver accumulated unoxidized sugar which the overloaded blood stream has been unable to handle. This sugar will soon be

carried off and within a short time the urine should begin to show less and less until it is normal. Take a teaspoonful of Agmel before each meal until relief is obtained. This quantity is usually sufficient. Strict dieting is unnecessary. High Blood Pressure—Take Agmel in the usual way, a teaspoonful before each meal. Practically every case of high blood pressure treated with Agmel has been relieved. Children's Diseases—Agmel is extremely beneficial in disorders of children. * * * It carries the bone and tissue building elements, as well as the tonic iron, so necessary to growing bodies. It is a wonderful food for puny, anaemic and undernourished children. It regulates bowels and kidneys so elimination becomes natural and complete. Bed-wetting is nearly always corrected. * * * In the case of normal, healthy children, Agmel given at least once a day will keep them in good physical and mental condition and greatly increase resistance to all disease. * * * Troubles Peculiar to Women—Agmel has proved to be a very valuable remedial food for regulating and stimulating the functions of female organs and correcting unnatural conditions. It accomplishes these things in a natural way, by building up and strengthening vital organs, nerves and tissues and purifying the blood stream. Painful Menstruation—This condition is largely produced by an anaemic condition, which Agmel corrects. Take a teaspoonful of Agmel before each meal and again before retiring. Usually Agmel is successful in bringing about natural, regular and painless menstruation. Change of Life—Agmel added to the diet during the period known as change of life acts as a regulator and balancer to the disturbed system. * * * Other Ailments—Anaemia—Agmel is unquestionably recommended for this condition, as everything in Agmel is found in the human blood and quickly purifies and enriches it. * * * Goiter—Cases have come to our notice where the use of Agmel has been found to be effective in the relief of goiter, which is, undoubtedly, a food deficiency disease. Agmel relieves this condition by supplying the substances needed to enrich the blood, which are lacking in the average diet. * * * Piles * * * Agmel is antiseptic and healing to diseased and inflamed conditions. Practically all rectal troubles are relieved by Agmel and it is efficacious when used as an external ointment. * * * Rheumatism—Many people who use Agmel claim to have been entirely relieved of rheumatism. Agmel, being alkaline in reaction, tends to counteract acidosis, which is one of the causes of different rheumatic conditions. It restores the body to a condition of health so that neither rheumatism, nor any other disease, can exist. * * * Agmel is becoming generally recognized as an excellent preventive of disease and when kept on hand and used occasionally, tends to keep a healthy person in perfect condition."

Analysis of a sample of the article by this department showed that it consisted of a concentrated plant juice containing approximately 50 per cent sugars.

It was alleged in the libel that the article was misbranded, in that the above quoted statements, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On September 30, 1927, the claimant, the Agmel Corporation, Los Angeles, Calif., having withdrawn its answer, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15584. Misbranding of Agmel. U. S. v. 24 Cartons of Agmel. Decree of condemnation, forfeiture, and destruction entered. (F. & D. No. 21386. I. S. No. 10968-x. S. No. W-2041.)

On November 23, 1926, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 24 cartons of Agmel, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Agmel Corporation, from Los Angeles, Calif., October 29, 1926, and transported from the State of California into the State of Washington, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can label) "Nature's Remedy * * * A powerful tonic * * * For disorders of the kidneys * * * Especially beneficial in the treatment of Bright's disease, diabetes, rheumatism, high blood pressure, indigestion, and other disorders caused by incorrect diet and faulty assimilation. Nature's Remedy for the Stomach, Nerves & Kidneys," (Spanish translation) "For the

stomach, nerves and anemia it has no rival. Natural remedy for Albuminuria and the Urinary Tract;" (folder) "Kidney Troubles—Agmel acts by strengthening and upbuilding the kidneys and increasing their ability to filter the blood. It has proved remarkably effective in relief of the following conditions: Bright's Disease—Nearly every case of Bright's Disease treated has been greatly helped or has completely yielded to Agmel. Use as outlined in general instructions. If the condition is bad, take as much Agmel as the body will stand * * * Too much is not harmful. * * * Bladder Irritation * * * Many Agmel users write that they have been completely relieved of bladder irritation. * * * Prostatitis—Agmel being strongly antiseptic and tending to normalize acid condition of the blood, soothes and relieves inflamed and enlarged conditions of the prostate gland. Take a teaspoonful before each meal and again on retiring until relief is obtained. Stomach Troubles—Agmel is rich in the active yeasts, vitamins and minerals that stimulate and aid digestion and assimilation. In practically every kind of stomach trouble it tends to bring about a normal condition of health. * * * Stomach and Duodenal Ulcers * * * Agmel in addition to bringing about a normal condition in the stomach and intestines, has decided antiseptic and anti-scorbutic properties which heal irritation and ulcers. Relief has been obtained or the inflamed or diseased condition completely corrected in a large majority of such cases. * * * Diabetes—In diabetes the first few days of using Agmel sometimes has a tendency to greatly increase the amount of sugar in the urine. Do not be alarmed at this. The Agmel is driving out of the liver accumulated unoxidized sugar which the over-loaded blood stream has been unable to handle. This sugar will soon be carried off and within a short time the urine should begin to show less and less until it is normal. Take a teaspoonful of Agmel before each meal until relief is obtained. This quantity is usually sufficient. Strict dieting is unnecessary. High Blood Pressure—Take Agmel in the usual way, a teaspoonful before each meal. Practically every case of high blood pressure treated with Agmel has been relieved. Children's Diseases—Agmel is extremely beneficial in disorders of children. It carries the bone and tissue building elements, as well as the tonic iron, so necessary to growing bodies. It is a wonderful food for puny, anaemic and under-nourished children. It regulates bowels and kidneys so elimination becomes natural and complete. Bed-wetting is nearly always corrected. * * * In the case of normal, healthy children, Agmel given at least once a day will keep them in good physical and mental condition and greatly increase resistance to all disease. * * * Troubles Peculiar to Women—Agmel has proved to be a very valuable remedial food for regulating and stimulating the functions of female organs and correcting unnatural conditions. It accomplishes these things in a natural way, by building up and strengthening vital organs, nerves and tissues and purifying the blood stream. Painful menstruation—This condition is largely produced by an anaemic condition, which Agmel corrects. Take a teaspoonful of Agmel before each meal, and again before retiring. Usually Agmel is successful in bringing about natural, regular and painless menstruation. Change of Life—Agmel added to the diet during the period known as change of life acts as a regulator and balancer to the disturbed system. * * * Other Ailments—Anaemia—Agmel is unquestionably recommended for this condition, as everything in Agmel is found in the human blood and quickly purifies and enriches it. * * * Goiter—Cases have come to our notice where the use of Agmel has been found to be effective in the relief of goiter, which is, undoubtedly, a food deficiency disease. Agmel relieves this condition by supplying the substances needed to enrich the blood, which are lacking in the average diet. * * * Piles * * * Agmel is antiseptic and healing to diseased and inflamed conditions. Practically all rectal troubles are relieved by Agmel and it is efficacious when used as an external ointment. * * * Rheumatism—Many people who use Agmel claim to have been entirely relieved of rheumatism. Agmel, being alkaline in reaction, tends to counteract acidosis, which is one of the causes of different rheumatic conditions. It restores the body to a condition of health so that neither rheumatism, nor any other disease, can exist. * * * Agmel is becoming generally recognized as an excellent preventive of disease and when kept on hand and used occasionally, tends to keep a healthy person in perfect condition."

Analysis of a sample of the article by this department showed that it consisted of a concentrated plant juice containing approximately 50 per cent sugars.

It was alleged in the libel that the article was misbranded, in that the statements regarding the curative and therapeutic effects of the said article were

false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On July 18, 1927, the claimant, the Agmel Corporation, having withdrawn its answer, default decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15585. Misbranding of Pas-Shon-Rub and Pro-Long-Rub. U. S. v. 102 Packages, et al., of Pas-Shon-Rub and 154 Packages, et al., of Pro-Long-Rub. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 22214, 22215. I. S. Nos. 15548-x, 15549-x, 15550-x, 23001-x. S. Nos. 265, 266.)

On November 30, 1927, the United States attorney for the Northern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 158 packages of Pas-Shon-Rub and 182 packages of Pro-Long-Rub, at Fort Worth, Texas, alleging that the articles had been shipped by the Doctor's Laboratories, from Memphis, Tenn., in part on or about September 23, 1926, and in part on or about October 1, 1926, and transported from the State of Tennessee into the State of Texas, and charging misbranding in violation of the food and drugs act as amended. The articles were labeled, in part: (Pas-Shon-Rub, label) "Pas-Shon-Rub For the Treatment of Sexual Impotence in the Male and Female," (circular) "Pas-Shon-Rub. An emulsion for the treatment of sexual impotence in the male and female. * * * It is undoubtedly the most valuable remedy we have for lowered virility, lack of tone and non-functioning of the organs of the sex. Its specific effects in these cases are * * * to promote the functional activity of the sex organs * * * the specific remedy for the purpose * * * its most immediate aphrodisiac action is phenomenal, by stimulating the sex-center, dilating the inguinal arteries and producing hyperaemia sexualis. * * * The preparation is a positive Aphrodisiac. * * * it is rapidly absorbed by the net work of small veins arterioles and nerves. As absorption begins the impression is made upon the terminal nerves, this is transmitted to the genito-spinal center which results in rapid congestion and turgescence of the erectile tissues, increasing libido, and producing a genuine hyperaemia sexualis * * * It is restorative to the generative system: First, because it increases the blood supply with a consequent strengthening and tonic effect; second, the ingredients which produce these results are time proven tonics to the generative organs. * * * a valuable adjuvant to the general treatment in atrophied or retarded development of the mamma, frigidity, indifference and non-functioning of the ovarian and uterine organs. * * * This is truly a wonderful remedy—the sane and intelligent employment of which will conserve and prolong virility and sexual power as long as the other physical powers last. It is applicable to all forms of functional impotence including the psychic. It is equally applicable to those cases of organic origin which are the causative factors of impotence. * * * In emmisio precoc, spermatorrhea, satyriasis and nymphomania, used every twelve hours until the eroticism is overcome, it is specific. * * * in cases of lack of sexuality, atrophy or retarded development of the ovaries, amenorrhea, frigidity and indifference, etc. * * * it requires from four to eight weeks treatment used every twelve hours (only);" (Pro-Long-Rub, label) "Pro-Long-Rub Prophylactic Positive Preventative," (circular) "Pro-Long-Rub * * * Prophylactic Prevention of Venereal Disease Positive Preventative * * * Pas-Shon-Rub the most marvelous preparation which truly creates sexual desire to male and female. Results to many old and young."

Analyses of samples of the articles by this department showed that the Pas-Shon-Rub consisted essentially of a mixture of glycerin and protein and fatty materials; and that the Pro-Long-Rub was a pink ointment composed chiefly of wool fat with a small amount of formaldehyde and nitrogenous material.

It was alleged in substance in the libels that the articles were misbranded, in that the above-quoted statements regarding the therapeutic effects of the said articles were false, fraudulent, and misleading in that the articles contained no ingredients or combinations of ingredients capable of producing the results claimed.

On January 30, 1928, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15586. Misbranding of Double O medicine. U. S. v. 32 Large Size and 30 Small Size Packages of Double O. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22336. I. S. Nos. 17288-x, 17289-x. S. No. 376.)

On December 29, 1927, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 32 large-size packages and 30 small-size packages of Double O medicine, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Red Star Laboratories Co., from Chicago, Ill., in part on or about September 3, 1927, and in part on or about December 5, 1927, and had been transported from the State of Illinois into the State of Washington and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of resins (such as those from buchu and copaiba), extracts of vegetable drugs, volatile oils, sugar, alcohol, and water.

It was alleged in the libel that the article was misbranded, in that the following statements regarding the therapeutic or curative effect of the article, (circulars) "Can't beat the Double O for cure. Every case absolutely cured that took it according to directions. * * * Parties buying Double O get results. * * * Good for the poor devil. * * * the medicine which is now known and acknowledged the best, the safest, and the most satisfactory in every respect. * * * Our duty to You—To supply you with the best which experience and scientific knowledge can produce. Your duty to yourself—To regain your former status of health. * * * To secure satisfactory results it is absolutely necessary to continue the treatment without interruption. Stopping for a day or two may set the patient back to a former condition. It is advisable, even after it appears that everything is in order, to continue taking the medicine for a week or 10 days longer * * * Chronic Cases: The Double O medicine contains particularly effective ingredients for old neglected cases * * * It may take 3 or 4 bottles before satisfactory results are apparent. Safety: The medicine may be used with perfect confidence," (on retail carton) "An absolutely safe internal medicine," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On January 17, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15587. Misbranding of Lifo herb medicine. U. S. v. 69 Bottles, et al., of Lifo Herb Medicine. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 22345, 22346, 22347. I. S. Nos. 21242-x. S. Nos. 383, 384, 385.)

On January 3, 1928, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 11¼ dozen bottles of Lifo herb medicine, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Lifo Medicine Co., from Philadelphia, Pa., in various consignments on or about June 23, October 17, and November 22, 1927, respectively, and had been transported from the State of Pennsylvania into the State of Maryland and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of bitter and laxative plant drug extracts, salicylic acid, alcohol, and water.

It was alleged in the libels that the article was misbranded, in that the packages failed to bear a statement on the label of the quantity of alcohol contained therein.

Misbranding was alleged for the further reason that the following statements, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Lifo * * * For Stomach, Liver, Kidneys, and Bowels;" (carton) "Liver and Nerve Tonic Intended to Cleanse the System Producing New Life and Vitality to a Weak and Run Down system * * * New Vigor and Vitality * * * An aid in the treatment of Rheumatism, Lumbago, and all disorders caused by uric

acid * * * Effective Treatment For Diseases of the Stomach, Liver, Kidneys and Bowels. A Grand System Cleanser and Nerve Tonic * * * Aid Nature in Rebuilding Weak, Overworked and Run Down Systems;" (circular) "For Stomach, Liver, Kidneys & Bowels Lifo is a Medicine especially prepared to reach the cause of our ills and assist Nature in restoring our greatest gift—Health. Lifo is a scientific treatment for the purification, strengthening, and upbuilding of the entire system. It is prepared to assist Nature in removing the health destroying poisons that so frequently accumulate in various parts of our body, and which are the direct cause of so much sickness, and in their stead supply the strong, vigorous vitality that is the first prime necessity in perfect health. Lifo is produced from a proper combination of herbs and vegetables that Nature provides for our ills and they are so intelligently combined and administered that they never fail to give the most pleasing and satisfactory results. * * * a medicine that reaches the cause of over ninety percent of our complaints * * * Indigestion, Dyspepsia, Sick Headache, Rheumatism, Neuralgia, Pains in the Back, or Side, Eczema, Etc. * * * it may be used with as much confidence for diseases and disorders of childhood, as in the ailments of the strongest and most robust, or the aged and infirm patient. Founded as it is on the principle of assisting Nature to perform her perfect work, it may be used with the utmost confidence in all cases requiring the purification of the blood and cleansing of the system. In severe cases of the above mentioned complaints, a good warm bath three times a week will greatly aid in the beneficial action of the treatment. You will find Lifo the greatest family medicine in existence, it has no equal, in arousing the Liver and aiding the digestion and assimilation. One dose will prove the value of the Tonic for sour stomach and constipation * * *. It has been estimated that over ninety percent of all diseases originate in the digestive organs and can be traced to constipation. No One Need Suffer From Indigestion or Constipation. Lifo takes the place of the coarse elements of the food. It cleanses the walls of the stomach and intestines. It keeps those impurities from entering the blood stream, it maintains health and a sweet breath, and it gives a buoyancy and vitality, the full pleasure of which you have never known. It must be remembered that Lifo * * * is positive in its action, startling in the results it immediately gives, and stands alone as a system purifier and body builder."

On February 23, 1928, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

1558S. Adulteration of tincture opium, tincture nux vomica, and tincture cinchona. U. S. v. St. Louis Physicians' Supply Co. Plea of guilty. Fine, \$150. (F. & D. No. 21582. I. S. Nos. 12367-x, 12368-x, 12369-x.)

On June 8, 1927, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the St. Louis Physicians' Supply Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the food and drugs act, on or about April 30, 1926, from the State of Missouri into the State of Illinois, of quantities of tincture opium, tincture nux vomica, and tincture cinchona, which were adulterated. The articles were labeled in part, variously: "Tincture Opium, U. S. P. (Laudanum). Each fluid ounce contains approximately 48 grs. Powd. Opium. * * * St. Louis Physicians' Supply Co. St. Louis, Mo.;" "Tincture Nux Vomica U. S. P. One hundred mls of Tincture Nux Vomica yields not less than 0.237 gms. nor more than 0.263 gms. of the alkaloids of Nux Vomica. * * * Manufactured By St. Louis Physicians' Supply Co., St. Louis, Mo.;" "Tinct. Cinchona St. Louis Physicians' Supply Co., St. Louis, Mo."

It was alleged in the information that the articles were adulterated, in that they were sold under and by names recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in said pharmacopoeia official at the time of investigation, in that the tincture opium yielded less than 0.95 gram of anhydrous morphine per 100 cubic centimeters, to wit, not more than 0.72 gram of anhydrous morphine per 100 cubic centimeters, whereas said pharmacopoeia provided that tincture of opium should yield not less than 0.95 gram of anhydrous morphine per 100 cubic centimeters; the tincture nux vomica yielded less than 0.237 gram of the alkaloids of nux vomica per 100 mls, to wit, not

more than 0.1507 gram of the alkaloids of nux vomica per 100 mls, whereas said pharmacopoeia provided that tincture nux vomica should yield not less than 0.237 gram nor more than 0.263 gram of the alkaloids of nux vomica per 100 mls; the tincture cinchona yielded 0.668 gram of the alkaloids of cinchona per 100 cubic centimeters, whereas said pharmacopoeia provided that tincture cinchona should yield not less than 0.8 gram of the alkaloids of cinchona per 100 cubic centimeters; and the standard of strength, quality and purity of the said articles was not declared on the containers thereof.

Adulteration was alleged with respect to the said tincture opium for the further reason that its strength and purity fell below the professed standard and quality under which it was sold in that each fluid ounce of the tincture opium was represented to contain 48 grains of powdered opium, whereas each fluid ounce of said tincture opium contained less than 48 grains of powdered opium, to wit, not more than 32.85 grains of powdered opium.

On October 17, 1927, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

W. M. JARDINE, *Secretary of Agriculture.*

15589. Misbranding of Lifo herb medicine. U. S. v. 35 Gross of Lifo Herb Medicine. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22348. I. S. No. 20093-x. S. No. 398.)

On January 3, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States in said district a libel praying seizure and condemnation of 35 gross of Lifo herb medicine remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Lifo Medicine Co., Columbus, Ohio, alleging that the article had been shipped from Columbus, Ohio, on or about September 29, 1927, and had been transported from the State of Ohio into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs, including laxative and bitter drugs, salicylic acid, alcohol (4 per cent), and water (93 per cent).

It was alleged in substance in the libel that the article was misbranded, in that the following statements borne on the labels and circular were false and fraudulent in that the said article would not produce the therapeutic and curative effects claimed: "(Bottle label) 'Lifo * * * For Stomach, Liver, Kidneys and Bowels;' (carton) 'Liver and Nerve Tonic intended To Cleanse the System Producing New Life and Vitality to a Weak and Run Down System * * * New Vigor and Vitality * * * An aid in the treatment of Rheumatism, Lumbago and all disorders caused by uric acid * * * Effective Treatment For Diseases of the Stomach, Liver, Kidneys and Bowels. A Grand System Cleanser and Nerve Tonic * * * Aid Nature in Rebuilding Weak, Overworked and Run Down System;' (circular) 'For Stomach, Liver, Kidneys & Bowels Lifo is a Medicine especially prepared to reach the cause of our ills and assist Nature in restoring our greatest gift—Health. Lifo is a scientific treatment for the purification, strengthening, and up-building of the entire system. It is prepared to assist Nature in removing the health destroying poisons that so frequently accumulate in various parts of our body, and which are the direct cause of so much sickness, and in their stead supply the strong, vigorous vitality that is the first prime necessity in perfect health. Lifo is produced from a proper combination of herbs and vegetables that Nature provides for our ills and they are so intelligently combined and administered that they never fail to give the most pleasing and satisfactory results. * * * a medicine that reaches the cause of over ninety percent of our complaints * * * Indigestion, Dyspepsia, Sick Headache, Rheumatism, Neuralgia, Pains in the Back, or Side, Eczema, etc. * * * it may be used with as much confidence for diseases and disorders of childhood, as in the ailments of the strongest and most robust, or the aged and infirm patient. Founded as it is on the principle of assisting Nature to perform her perfect work, it may be used with the utmost confidence in all cases requiring the purification of the blood and cleansing of the system. In severe cases of the above mentioned complaints, a good warm bath three times a week will greatly aid the beneficial action of the treatment. You will find Lifo the greatest family medicine in existence, it has no equal, in arousing the Liver and aiding the digestion and assimilation. One dose will prove the value of the Tonic for sour stomach and constipation * * * It has been estimated that over ninety percent of all diseases originate in the

digestive organs and can be traced to constipation. No One Need Suffer From Indigestion or Constipation. Lifo takes the place of the coarse elements of the food. It cleanses the walls of the stomach and intestines. It keeps those impurities from entering the blood stream, it maintains health and sweet breath, and it gives a buoyancy and vitality, the full pleasure of which you have never known. It must be remembered that Lifo * * * is positive in its action, startling in the results it immediately gives, and stands alone as a system purifier and body builder."

Misbranding was alleged for the further reason that the packages failed to bear a statement on the label of the quantity of alcohol contained therein.

On February 8, 1928, the Lifo Medicine Co., Columbus, Ohio, having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned, in part, that it be relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15590. Misbranding of Pildoras Matricura, Cordial Matricura, Fosfarsinol, and Filarysine. U. S. v. 3 Dozen Bottles of Pildoras Matricura, et al. Decree of condemnation entered. Products released under bond. (F. & D. Nos. 21431, 21432, 21433, 21434. I. S. Nos. 14504-x, 14505-x, 14506-x, 14507-x. S. No. E-5679.)

On December 28, 1926, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying seizure of 3 dozen bottles of Pildoras Matricura, 3 dozen bottles of Cordial Matricura, 3 dozen bottles of Fosfarsinol, and 3 dozen bottles of Filarysine, at Santurce, P. R., alleging that the articles were being offered for sale and sold in the territory of Porto Rico by the American Tropical Remedy Co., Santurce, P. R., and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the Pildoras Matricura were pills composed of plant material including aloe and myrrh; that the Cordial Matricura consisted essentially of extracts of plant drugs, alcohol, and water; that the Fosfarsinol was a sirup containing sodium and calcium glycerophosphates, strychnine, traces of arsenic and benzaldehyde, and 12 per cent of alcohol; and that the Filarysine consisted essentially of compounds including iodides of potassium, sodium, arsenic and mercury, berberine, glycerin, alcohol (1.5 per cent), and water.

Misbranding of the article was alleged in the libel for the reason that the following statements, regarding the curative and therapeutic effects of the articles, were false and fraudulent, since the said articles contained no ingredients or combinations of ingredients capable of producing the results claimed: (Pildoras Matricura, box label, translation from Spanish) "Pildoras Matricura," (circular, translation from Spanish) "Pills Matricura * * * For diseases of women. Pills Matricura as indicated by their name are used for treating the functional diseases of the womb. They give results in dysmenorrhea or difficult and painful menstruation if taken a few days before or during the menstrual period. During the Menopause or the critical age of women, when the womb ceases to function, nervous troubles of the circulation appear such as chilly hands and feet, warm sensations on the face and body, noise in the head, headache, dizziness, insomnia, palpitations, bloody flux through the nose, etc. They can be checked by the use of Pills Matricura, helped by cold and warm baths and one or two doses of Rochelle Salts. Pills Matricura are over all, a great remedy for the nervous troubles known under the name of hysteria, which manifests itself by numerous symptoms:—loss of appetite, loss of temper, headache, dizziness, blood pressure on the face and head, nervous attacks with the sensation of a lump rising from the chest to the throat and back accompanied by agitation and screaming, violent trembling and convulsions. * * * In Amenorrhea * * * In painful menstruation * * * In the rest of the cases 4 pills should be taken daily * * * Pale women should use the Pills at night and morning only;" (Cordial Matricura carton and bottle label, translation from Spanish) "Cordial Matricura * * * For diseases of women only. This preparation is indicated in the functional affections of the womb, disorders of menstruation, hysteria and other nervous diseases of women. It can be used in Amenorrhea (Lack of or scanty menstruation). Dysmenorrhea (difficult or painful menstruation). Leucorrhea

(Whites) Menopause or critical age in women, uterine hemorrhages not due to organic lesions of the uterus. * * * For diseases of the womb and other similar diseases of women," (circular, translation from Spanish) "Cordial Matricura * * * for diseases peculiar to women * * * Relieves the suffering caused by menstruation. It checks it when abundant or scarce, regulating in that way that important physiological function. It can be used with confidence in all affections of the womb, not due to organic lesions; such as Amenorrhea (lack of or scanty menstruation); and dysmenorrhea (painful menstruation). Habitual abortion can be avoided to a certain extent by the continued use of this medicine, when not caused by syphilitic infection or organic lesions of the uterus. By regulating the functional disorders of the uterus, this medicine helps to avoid the sufferings of pregnancy and prepares women for successful parturition. Cordial Matricura is a medicine which gives excellent results during the critical age of women, or change of life, when menstruation ceases and nervous disorders of the circulation appear, such as chilly hands and feet, warm sensations on the face and body, noise and pains in the head, vertigo, insomnia, palpitations, and bloody flux through the nose * * *

In Leucorrhea (Whites) * * * The use of this medicine is specially indicated in Hysteria, nervous attacks (hysterical), headache, backache, and weight in the lower part of the abdomen. Hysteria appears under different symptoms, such as loss of temper, the patient feeling sometimes happy and other times mournful and angry, headache, torpidity, unfounded fear, heart oppressions, palpitations, and chilly hands and feet. In some other instances the patient will suffer nervous attacks and will feel as if a ball were rising from the chest to the throat and back, being accompanied by screaming, violent shocks, convulsions, rigidity, vertigo, crying or laughing * * *

In Amenorrhea (Lack of or scanty menstruation) * * * In Dysmenorrhea (difficult or painful menstruation), pains in the lower part of the abdomen, neuralgia and pain in the ovaries * * *

In nervous attacks, pains in the head and back, chilly hands and feet, and other nervous affections * * *

During pregnancy, the critical age and in other similar conditions;" (Fosfarsinol, carton and bottle label, translation from Spanish) "Fosfarsinol * * * a powerful tonic for the brain and nerves, a real food for the nervous cells which stimulates and nourishes. Repairs and stops the organic waste, acting as an energetic reconstituent of the cells. Its use is indicated in the diverse forms of neurasthenia (caused by intense dismineralization), neuroanemia, phosphaturia, diabetes, hysteria, rickets, sexual debility (impotence), osteomalacia, premature breakdown, and in all cases of general debility * * *

The new reconstituent for the nerves and brain," (circular, in part, translation from Spanish) "Fosfarsinol * * *

The new reconstituent for the nerves and brain * * *

Fosfarsinol is therefore a powerful tonic for the nerves and brain, a general reconstituent which acts by stimulating the cellular metabolism. Repairs and stops the organic waste acting as an energetic vitalizing agent over the tissues. Its use is indicated in the diverse forms of neurasthenia, caused by intense dismineralization, neuroanemia, incipient tuberculosis, phosphaturia, nervous atonic dyspepsia, epilepsy, hysteria, osteomalacia, rickets, premature breakdown, sexual debility (impotence), convalescence, etc.;" (Filarysine, carton, translation from Spanish) "Filarysine * * *

A depurative for all the diseases of the blood and skin," (bottle label, translation from Spanish) "Filarysine * * *

Efficacious depurative for combating all the infectious and parasitical diseases of the skin and blood, no matter whether hereditary or recently acquired," (circular, translation from Spanish) "Filarysine is the newest and most powerful depurative or purifier of the blood, therefore it can be used for combating Filaria—(chronic inflammation of the legs or Erysipelas as it is commonly called)—Syphilis, and the affections of the skins and tissues derived from it, such as ulcers, eruptions, pains in the bones, stains, lesions in the mucous membranes, fall of the hair, etc. It combats efficaciously herpes, grains, pimples, ulcers, sores, and other cutaneous diseases; tumors, boils or furuncles, rheumatism, gout, pains in the back and joints and any other disease caused by impurity of the blood, no matter whether recent or chronic, or acquired by contact or hereditary * * *

If you suffer from any of these affections, use Filarysine and you will be satisfied with the efficacy of this new depurative."

Misbranding was alleged with respect to the Cordial Matricura, the Fosfarsinol, and the Filarysine, for the further reasons that the alcoholic content was incorrectly stated on the labels on the Cordial Matricura and Fosfarsinol, and that no alcoholic content was declared on the Filarysine, whereas it contained 1.5 per cent of alcohol.

On June 21, 1927, the American Tropical Remedy Co., Santurce, P. R., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the products be released to the said claimant upon payment of the cost of the proceedings and the execution of a bond in the sum of \$800, conditioned in part that they not be sold or otherwise disposed of without first having been properly labeled as required by law.

W. M. JARDINE, *Secretary of Agriculture.*

15591. Misbranding of Prescription 999 astringent wash, Prescription 999 nerve tonic, and Prescription 999 capsules. U. S. v. 4 packages Prescription 999 Astringent Wash, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22358. I. S. Nos. 11359-x, 11361-x, 11362-x. S. No. 362.)

On January 13, 1928, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 4 packages of Prescription 999 astringent wash, 12 packages of Prescription 999 nerve tonic, and 12 packages of Prescription 999 capsules, at Toledo, Ohio, alleging that the articles had been shipped by the Combination Remedy Co., Pittsburgh, Pa., in part November 7, 1927, and in part November 23, 1927, and had been transported from the State of Pennsylvania into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended. The articles were labeled, in part: (Prescription 999 astringent wash, carton) "To be used in conjunction with 999 Capsules. For Kidney and Bladder disorders, as a wash for Irritated Membranes;" (Prescription 999 capsules, box label) "Recommended for Kidney and Bladder Disorders. This Medicine is a combination of Oil Sandalwood, Oil Cubebs, Copaiba and other valuable Vegetable Oils which are known to give the best results in treating the disease for which this medicine is intended. * * * after all signs of the disease have disappeared;" (Prescription 999 nerve tonic, box label) "Nerve Tonic. The Ingredients from which these capsules are compounded have been used and prescribed for years for rundown systems and nervous disorders."

Analyses of samples of the articles by this department showed that the Prescription 999 capsules consisted essentially of the volatile oils of nutmeg, santal, and cubeb, copaiba, and a fatty oil; that the astringent wash consisted essentially of boric acid, magnesium sulphate, and a coal-tar color; and that the nerve tonic consisted essentially of zinc phosphide, calcium sulphate, and extracts of nux vomica and damiana.

It was alleged in the libel that the articles were misbranded, in that the above-quoted statements regarding the therapeutic or curative effects of the said articles were false and fraudulent, since none of the articles contained any ingredient or combination of ingredients capable of producing the effects claimed.

On February 15, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15592. Misbranding of 999 nerve tonic. U. S. v. 8 Packages of 999 Nerve Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22363. I. S. No. 23685-x. S. No. 373.)

On January 9, 1928, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 8 packages of 999 nerve tonic, remaining in the original unbroken packages at Watertown, Wis., alleging that the article had been shipped by the Combination Remedy Co., from Pittsburgh, Pa., October 28, 1927, and transported from the State of Pennsylvania into the State of Wisconsin, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Box) "Nerve Tonic. The Ingredients from which these capsules are compounded have been used and prescribed for years for rundown systems and nervous disorders."

Analysis of a sample of the article by this department showed that it consisted of capsules containing zinc phosphide, calcium sulphate, and extracts of nux vomica and damiana.

It was alleged in the libel that the article was misbranded, in that the above quoted statements, regarding the curative effects of the said article,

were false and fraudulent, since it did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On February 2, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15593. Misbranding of 999 nerve tonic. U. S. v. 9 Packages of 999 Nerve Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22355. I. S. No. 11850-x. S. No. 386.)

On January 11, 1928, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 9 packages of an article of drugs labeled in part "999 Nerve Tonic," remaining in the original unbroken packages at Marion, Ind., alleging that the article had been shipped by the Combination Remedy Co., from Pittsburgh, Pa., on or about November 3, 1927, and transported from the State of Pennsylvania into the State of Indiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of capsules containing zinc phosphide, calcium sulphate, and extracts of *nux vomica* and *damiana*.

It was alleged in substance in the libel that the article was misbranded, in that the packages contained certain false and fraudulent statements in regard to the ingredients of the said article, in that it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 3, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15594. Misbranding of B-L. U. S. v. 672 Dozen Bottles of B-L, Formerly Called Blud-Life, et al. Decrees of condemnation and forfeiture entered. Product released under bond. (F. & D. Nos. 22156, 22158, 22176, 22178, 22179, 22180, 22209. I. S. No. 17635-x. S. Nos. 203, 208, 228, 237, 238, 239, 269.)

On or about November 2, November 16, November 23, and November 29, 1927, respectively, the United States attorneys for the Northern District of California, Northern District of Illinois, Southern District of Ohio, Eastern District of Louisiana, and Northern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the District Courts of the United States for said districts libels praying the seizure and condemnation of 2235 $\frac{3}{4}$ dozen bottles of B-L, in various lots at San Francisco, Calif., Chicago, Ill., Cincinnati, Ohio, New Orleans, La., and Atlanta, Ga., consigned by the Blud Life Co., of Atlanta, Ga., alleging that the article had been shipped in part from Pulaski, Va., and in part from Baltimore, Md., between the dates of July 16, 1927, and October 22, 1927, and had been transported in interstate commerce into the States of California, Illinois, Ohio, Louisiana, and Georgia, respectively, and charging misbranding in violation of the food and drugs act as amended.

On November 19, 1927, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a District Court, a libel praying seizure and condemnation of 21 dozen bottles of B-L, alleging that the article was being sold and offered for sale in the District of Columbia, by the Peoples Drug Stores, Inc., and charging misbranding in violation of the food and drugs act as amended.

The bottles containing the said article and the cartons enclosing the said bottles were labeled, in part, as follows: (Bottle) "B-L Formerly Called Blud-Life * * * A Valuable Aid in the Treatment of Constipation. * * * Blud-Life Company * * * to quickly and completely cleanse your stomach and bowels;" (carton) "B-L Formely Called Blud-Life * * * Red and Pure Blood Does Not Exist when an Anemic Condition is present * * * If you have an Anemic Condition of the Blood and Need a Good Tonic and Appetizer Try B-L which Supplies the Need in Pleasant and Scientific Form * * * Blud-Life Company * * * B-L * * * for children * * * may be given to them with perfect safety, since it contains no * * * nor anything to injure the most delicate child." A booklet shipped with the article bore, among others, the following statements: "B-L The name Blud-Life has been

shortened to 'B-L'. * * * It is significant. To the many thousands of sufferers who need this medicine shines forth this hope: 'B-L—Makes Well' * * * While the name has been changed from 'Blud-Life' to 'B-L,' no change whatever has been made in the formula of this famous medicine. It is the same today as it always has been—the same wonderful Blud-Life Ingredients; the same high Blud-Life standards of quality and merit; * * * B-L tends to cause an increase in the number of red blood cells * * * B-L * * * tends to increase weight and energy. B-L tends to eliminate intestinal poison which might increase blood pressure. B-L is good for that 'tired feeling.' B-L tends to correct faulty elimination, a contributing cause of boils. B-L tends to stimulate elimination of secretions of liver, kidneys and bowels. In the preparation of B-L there have been employed in scientific combination medicinal agents recognized by leading authorities as * * * effective in improving the blood * * *. B-L Improves the Appetite, Thereby Tending to Increase Weight and Energy. Tests conducted in one of the large laboratories for four weeks, on six patients, showed that two of them gained ten pounds each. These patients were in a very run down condition. In other words, the tests were carried on under very severe conditions, but every one gained weight, and two out of six gained ten pounds each in four weeks. B-L Tends to Prevent a Form of High Blood Pressure under Certain Conditions. High blood pressure is often caused by the poison of poorly digested food. It is also caused by the food which cannot be digested, but which remains in the body so long that it begins to develop poisons. So that B-L tends to prevent one form of increased blood pressure by causing a more thorough elimination of poisons. The waste matter that is developed in poorly digested food, if retained in the intestines is absorbed and tends to increase blood pressure. B-L tends to Remove one of the Causes of Boils. An important factor in the development of boils is poor resistance resulting from impaired digestion and elimination. The improvement in elimination resulting from the use of B-L will tend to remove one of the causes by which boils gain a foothold. B-L Tends to Stimulate the Secretions and Relieve one of the Causes of Rheumatic Aches. B-L stimulates the secretions of the kidneys and bowels. In this way, there is a tendency to remove one of the causes of so-called rheumatic aches * * *. B-L is Good for That Tired Feeling. B-L has a tendency to increase the number of red blood cells, and give it more power (increase homoglobin) to destroy the poisons that cause 'that tired feeling' * * *. Where is that 'Slender Thread of Life' Located? You often hear the expression 'We are held here on earth by a slender thread of life,' but did you ever ask yourself in what part of your body this thread is located? Some will say it is in the heart, and others, that the brain contains this vital something. If you desire the Highest Authority on this important subject, read the 17th Chapter of Leviticus and you will find God's own definition. There He tells us 'The Life of all flesh is in the blood' (Lev. 17:11), and also in the 14th verse of the same chapter, He says: 'For the life of all flesh is the Blood.' He has made our brain and heart, bone and muscle of such material that the school boy can analyze them and tell their various elements, but not even the most learned doctors and chemists are permitted to fathom the blood; therefore, it is impossible to rebuild blood. Skilled surgeons successfully operate on every part of the body, but make a small opening in an artery at the wrist and allow the blood to flow out, and while the body is still warm, ask the most noted doctor to replace this thread of life. Can he do it with chemicals? He cannot. The only way in which life can be restored is by transfusion: that is, by borrowing the same life-blood from another living being. The Importance of Such a Tonic as B-L. The vital part played by the blood in the human system is beyond question. To do this most important work, the blood, for obvious reasons, must be as nature intended. Unfortunately, however, in these modern times when the complexity of society imposes such heavy burdens upon humanity, we frequently find an anemic state of the blood and the individual is in what is commonly referred to as a run down condition. Two important questions are suggested by this situation. Is it possible to correct such an anemic state of the blood and relieve a person in a run-down condition of that sort? And, if so, how may this necessary assistance be obtained? The answer to each inquiry is 'Yes,' with such qualifications as are suggested by common sense and indicated later in this discussion. What Poor Blood Requires. While the members of the medical fraternity, as is the habit of professional men, not infrequently disagree as to the merits or demerits of a particular method of treating some

disorder or condition of the human body, they seem to be in substantial accord here. In other words the consensus of opinion among skilled medical men is that a poor condition of the blood may be remedied and that one method of treatment seems to stand out from and above all others. To be more specific skilled medical men are almost unanimous in the view that an anemic condition of the blood should be treated by the administration of a certain medicinal agent, particularly an agent that has been scientifically combined with other ingredients calculated to give it special value to the blood. It is not the province of this booklet to discuss the scientific reasons why this particular combination of ingredients has virtue, nor will space permit. However, it may be stated that among skilled medical men, the prevailing belief is that the use of the particular medicinal agents above referred to in combination with the other ingredients is calculated to result in a tonic effect, in increased activity of the organs of elimination, and in some measure of relief from a run down condition. B-L Fills the Need. In the preparation of B-L the importance of this medicinal agent to the blood has been carefully and scientifically considered. Not only has that vital agent been employed, but it has been so prepared and blended with other ingredients as to render B-L a wonderful combination of medicinal agents with tonic properties. In other words, this medicinal agent is only one of the essential ingredients of B-L and has been mentioned merely to indicate the substantial basis for our statements regarding our preparation * * *. Beware of Bad Breath and Bitter Mouth. * * * After taking B-L every night as indicated, continue its use regularly twice each week, to flush the linings of the stomach * * * B-L will frequently relieve a headache, if taken in hot water from thirty minutes to an hour before meal. * * * B-L has splendid tonic properties in an anemic state of the blood and a run down condition. Then it is that the red corpuscles in the blood are insufficient in numbers, the oxygen carrying power of these corpuscles impaired, the quantity of haematin and haemoglobin or red coloring matter of the blood deficient, and the quantity of the blood below normal. With an improvement of this anemic state of the blood, a run down condition due to such deficiency is relieved. * * * Laboratory tests prove that the taking of B-L causes a steady increase in the number of red blood cells, and in the red coloring matter in the blood * * * B-L as a tonic * * * should be * * * used frequently, * * * even though there may be no anemic state of the blood or a run down condition. Remember the old adage about the ounce of prevention * * * B-L * * * will flush the stomach. * * * I am enclosing money order for three bottles of B-L. I have taken 1½ bottles for indigestion and am much improved. It is indeed a wonderful medicine. * * * I have used B-L for indigestion. I had been suffering from it for about eight years, and have tried almost every kind of medicine, but none gave me relief; I have taken four bottles of B-L and I feel like a new man. I went from 126 to 142 pounds in four months. Now, I can eat anything without any ill effects. I keep a bottle of B-L on hand always. * * * I have taken one bottle of B-L and find it a fine medicine for indigestion. * * * 2 Bottles—'Now Well.' I have suffered two months with indigestion and stomach trouble, and I have used two bottles of B-L, and now I am entirely well. * * * Health After 15 Years' Sickness. I had been sick for 15 years, and could not eat anything. My food would not digest, and my breath would be short, and I would swell up. I could not sleep at night. I saw your advertisement of B-L, and got a bottle of it, and was so well pleased with it that I am now on my third bottle. I now feel as though I am well. * * * I am glad to say that your treatment has done me worlds of good. I feel like a new man. I have suffered with indigestion for the past seventeen years, but since using two bottles of your B-L, I can eat anything I want to, and do not have any trouble. I am well now * * * It is the best medicine for indigestion that I have ever seen. Before taking B-L I could not eat meat at night, but now it does not hurt me * * * I have been suffering with my stomach for the last ten or twelve years. * * * your wonderful medicine has helped me so much. I feel much better now. * * * I have taken one bottle of B-L * * *. Before taking it I could not sleep at night, had no appetite, * * * after taking one bottle of B-L * * * I can eat anything I want and sleep sound all night. * * * It has increased my health very much * * * I can now eat anything, and it does not hurt me. I can do anything I want to, and it does not worry me at all, and I sleep well every night. * * * I have been troubled with constipation for years, sometimes going 3 or 4 days without an action. Since taking B-L I have been

having regular actions. The effects seem to last, and I do not have any trouble for long, long periods of time, whereas I used to have to take laxatives regular, which gave only temporary relief. I recommend B-L for constipation, especially for older people. * * * Headache During Monthly Periods * * * Before I began taking B-L my health was so bad that I had sick headaches twice a month. I was in a weak and run-down condition. I weighed 110 pounds. Before I began taking B-L I was not able to go over our farm, now I can work any where in the field or house—do all my work. * * * Dizzy Head * * * I suffered two years with my head. At times I could hardly see. * * * I said it was blind staggers. * * * B-L * * * I decided to try a bottle and to my surprise it did me more good than anything I have tried. * * * what the use of B-L has done for me. I was suffering greatly with indigestion * * * I could not eat anything at night and sleep in peace; indigestion would almost kill me. Now I can eat anything and go to bed and sleep until morning without anything bothering me. * * * B-L * * * after taking the first bottle, I gained 17 pounds, and could eat most any thing without fear. B-L did wonders for me * * * Increased Appetite and Weight * * * I was all run down on account of having had 'Flu.' I could not do any work, and could not write with a pen at times. * * * I have taken one bottle of B-L and now eat hearty and can work all day. I have gained seven pounds. * * * B-L. I have taken two bottles and have gained 30 pounds. * * * B-L has sure done me lots of good. * * * Before I took B-L I felt so tired and so weak that I could hardly get one foot in front of the other and I weighed only 114 pounds. Now I weigh 140 pounds. * * * Makes Her Look Young. * * * Before beginning its use I was weak and pale, could not eat or sleep, but since taking these two bottles of B-L, I now sleep well, and look like a real young person. B-L should be named 'Life-Saver.' * * * My son was all run down, and I gave him only one dose and he felt just fine. * * * My blood pressure was between 185 and 190. I used B-L for six months, and it brought my blood pressure to a little below normal * * * My blood pressure is now a little above normal, and I expect to take a little B-L from time to time to keep it normal. * * * I was weak, without any appetite, and my stomach was in such a condition when I ate any food it nauseated me. I could not sleep at night. The cause of my condition was from having been gassed while serving with the U. S. Marines over-seas. My brother recommended B-L, and after taking a few doses my condition improved. I have used two bottles, and now I have a good appetite, digest my food well, and sleep well at night. * * * The doctor here told me I had neuritis caused from pyorrhoëa of the teeth. * * * After I had taken two bottles of B-L I began to improve rapidly, and at present, I feel fine. * * * I was very sick * * * They all said maybe I had rheumatism, * * * I was very weak and very sleepy every day. I had to go to sleep because my limbs would give up and I was so weak inside that I had to lie down. * * * Since I have taken B-L I don't have to go to bed, I feel strong, and my limbs don't bother me any more. * * * Can Eat Anything * * * Dizziness, Roaring in Head, * * * Before I started taking B-L, my head was all out of order; it just roared all the time, and when it didn't roar, I had a swimming in my head which made me feel like I was going over on my head all the time, and I would be so nervous until I could not do any work at all, and no nights did I sleep over one or two hours, then get up with that awful swimming in my head; but now, I am glad to say that B-L is worth its weight in gold. It is a wonderful medicine and I am so glad to find relief for my head and other troubles. * * * since taking it myself I have been able to eat and sleep like I never did before. I was also troubled with pains in the back. They have also left me. In fact I feel like a two year old, although I'll admit 57. * * * I have been troubled with pains in my legs and arms, and I had seen your B-L advertised, so I got a bottle and it helped me. * * * My girl baby has always been bothered with indigestion. October 23d spinal meningitis set up from indigestion which left her stomach until it would not digest any food. Doctors tried everything on her stomach, finally got her started to eating delicate food, but she would take a spell of indigestion every few days until I began to give her B-L. Since then she hasn't had a single touch of indigestion and is healthy looking. * * * Since taking B-L I have not been bothered with neuralgia half as much as I was before taking B-L." The booklet contained cuts depicting weak, thin, pale blood and rich,

red, pure blood, accompanied by the statements, "Is your blood thin, weak, and watery, like this? It should be rich, red, and strong, like this." Similar cuts appeared on the cartons.

Analysis of a sample of the article by this department showed that it consisted essentially of magnesium sulphate (Epsom salt) and water with small amounts of phosphate, salicylate, iron, quinine, strychnine, and a red coloring material.

It was alleged in substance in the libels that the article was misbranded, in that the above quoted statements appearing in the labeling were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

Misbranding was alleged with respect to a portion of the article for the further reason that the statement, "Fine Tonic For Children B-L, because of its great tonic properties, is especially good for children, and may be given with perfect safety as it contains no alcohol nor anything to harm the most delicate child," contained in the booklet accompanying the article, was false and misleading.

Between the dates of December 15, 1927, and January 31, 1928, the Blud-Life Co., Atlanta, Ga., having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds totaling \$16,200, conditioned in part that it not be sold or otherwise disposed of contrary to law.

W. M. JARDINE, *Secretary of Agriculture.*

15595. Misbranding of Dr. Musser's capsules and Dr. Musser's red capsules. U. S. v. 25 Boxes and 21 Boxes of Original Dr. Musser's Capsules, and 8 Boxes of Dr. Musser's Red Capsules. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 22238, 22239. I. S. Nos. 16909-x, 16910-x. S. Nos. 281, 294.)

On November 30, 1927, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 46 boxes of original Dr. Musser's capsules and 8 boxes of Dr. Musser's red capsules, remaining in the original unbroken packages at Baltimore, Md., alleging that the articles had been shipped by the Musser-Reese Chemical Co., from Latrobe, Pa., in various consignments, on or about September 9, September 30, and November 17, 1927, respectively, and had been transported from the State of Pennsylvania into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the original Dr. Musser's capsules consisted essentially of volatile oils including santal and nutmeg oils, and copaiba balsam, and that the Dr. Musser's red capsules consisted essentially of compounds of arsenic, iron, and calcium with strychnine and an extract from a laxative plant drug.

It was alleged in the libel that the articles were misbranded, in that the following statements, regarding the curative or therapeutic effects of the said articles, were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Original Dr. Musser's capsules, container) "Inflammation of Kidneys and Bladder Relieved * * * if directions are followed will effect a permanent relief in every case," (circular) "Be persistent with treatment for at least two weeks following improvement. It is advisable to continue taking Dr. Musser's treatment for that length of time to insure permanent relief. * * * Dr. Musser's Capsules are possibly the best known remedy and are as prompt in their effect as possible for safety yet we do not claim that one or two boxes are always sufficient. A great mistake often made is to stop the treatment too soon. This leaves the organs tender and possibly some condition which further treatment would remove and prevent return which is more severe and stubborn to cure than the original condition. It is often quite necessary to continue the treatment for two weeks after all trouble seems to be removed. We cannot impress too strongly the good effect of combining the use of Dr. Musser's Injection, Rx 500 with the capsules. This is thoroughly an antiseptic and healing agent which expedites the cure and creates an antiseptic condition much desired. Do not use without capsules. If only one is used be sure to use capsules, but the combined treatment is time, money and inconvenience saved;" (Dr. Musser's red capsules, container) "Scientific

Remedy for all Blood Disorders," (circular) "A modern and scientific remedy which thoroughly searches out all impurities in the blood. * * * Eradicates all blood impurities from the system no matter from what cause. Eczema, Salt Rheum, Pimples and Unsightly Skin Eruptions of all kinds quickly disappear. Improves general health by toning up the system, creating a natural appetite and helping the stomach and intestines to care for the food so that best nourishment results. Help the * * * kidneys to remove waste matter."

Misbranding was alleged for the further reason that the statements, (container) "Dr. Musser's Capsules contain no harmful or dangerous drugs. Will not injure the most delicate stomach," with respect to the "Original Dr. Musser's Capsules," and (container) "Contains no Harmful Ingredients," (circular) "Contain no harmful ingredients and will not injure the most delicate stomach," with respect to the "Dr. Musser's Red Capsules," were false and misleading.

On March 1, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15596. Adulteration and misbranding of camphor in oil, quinine dihydrochloride, and quinine and urea hydrochloride ampuls, and misbranding of sodium iodide ampuls. U. S. v. The Tilden Co. Plea of guilty. Fine, \$800. (F. & D. No. 21596. I. S. Nos. 13803-x, 13804-x, 13805-x, 13806-x, 13809-x, 13814-x, 13817-x, 13819-x.)

On December 10, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Tilden Co., a corporation, New Lebanon, N. Y., alleging shipment by said company, in violation of the food and drugs act, in part on or about July 27, 1926, and in part on or about August 4, 1926, from the State of New York into the State of New Jersey, of quantities of camphor in oil, quinine dihydrochloride, and quinine and urea hydrochloride ampuls, which were adulterated and misbranded, and of quantities of camphor in oil concentrated, quinine dihydrochloride, and sodium iodide ampuls, which were misbranded. The articles were contained in ampuls, enclosed in cartons, and were labeled, in part, "The Tilden Company, Pharmacists and Chemists, New Lebanon, N. Y., St. Louis, Mo.," and were further labeled in part as hereinafter set forth.

Adulteration was alleged in the information with respect to a portion of the camphor in oil, portions of the quinine dihydrochloride, and the quinine and urea hydrochloride, for the reason that the strength and purity of the said articles fell below the professed standard and quality under which they were sold, in that a portion of the camphor in oil was represented to contain not more than 0.2 gram (3 grains) of camphor per millimeter, whereas it contained more than said amount, to wit, 0.255 gram (3.93 grains) of camphor per milliliter; a portion of the quinine dihydrochloride was represented to contain 0.25 gram ($3\frac{3}{4}$ grains) of quinine dihydrochloride per milliliter, whereas it contained less than said amount, to wit, 0.117 gram (1.8 grains) of quinine dihydrochloride per milliliter; regarding a portion of the said quinine dihydrochloride it was represented that each ampul contained $1\frac{1}{2}$ mls of a solution of quinine dihydrochloride, and that each of said $1\frac{1}{2}$ mls contained 0.5 gram ($7\frac{1}{2}$ grains) of quinine dihydrochloride, whereas a portion of said ampuls each contained less than $1\frac{1}{2}$ milliliters of a solution of quinine dihydrochloride, and each $1\frac{1}{2}$ milliliters of said solution contained less than 0.5 gram ($7\frac{1}{2}$ grains) of quinine dihydrochloride, to wit, approximately 0.35 gram (5.4 grains) of quinine dihydrochloride; a portion of the quinine and urea dihydrochloride was represented to contain 0.45 gram (7 grains) of quinine and urea hydrochloride per cubic centimeter, whereas it contained less than said amount, to wit, approximately 0.153 gram (2.36 grains) of quinine and urea hydrochloride per cubic centimeter; and the remainder of the said quinine and urea hydrochloride was represented to contain 0.324 gram (5 grains) of quinine and urea hydrochloride per ampul, whereas it contained less than said amount, to wit, not more than 0.19 gram (2.9 grains) of quinine and urea hydrochloride per ampul.

Misbranding was alleged with respect to a portion of the solution camphor in oil for the reason that the statement, to wit, "1 Mil (16 Min.) Sterilized Solution Camphor in Oil Each Mil Contains Camphor 0.2 Gm. (3 Grs.)," borne on the carton containing the ampuls, and the statement, to wit, "1 Mil * * *

Sterilized Solution Camphor in Oil containing Camphor 0.2 Gm. (3 Grs.)," borne on the ampuls containing the article, were false and misleading in that the said statements represented that each mil of said article contained not more than 0.2 gram (3 grains) of camphor, whereas said mills each contained more than 0.2 gram (3 grains) of camphor. Misbranding was alleged with respect to the remainder of the camphor in oil for the reason that the statement, "10 mills * * * Camphor in Oil," borne on the cartons and ampuls, was false and misleading in that it represented that said ampuls contained 10 mills of camphor in oil, whereas they did not, but did contain a less amount.

Misbranding was alleged with respect to a portion of the solution quinine dihydrochloride for the reason that the statements, "1 Mil * * * Quinine Dihydrochlorine 0.25 Gm. (3¾ Grs.)," borne on the cartons and ampuls, were false and misleading in that they represented that the article contained 0.25 gram (3¾ grains) of quinine dihydrochloride per milliliter, whereas it did not but did contain a less amount. Misbranding was alleged with respect to a portion of the quinine dihydrochloride for the reason that the statement, to wit, "2 Mills * * * Solution Quinine Dihydrochloride," borne on the cartons and ampuls, was false and misleading in that the said statement represented that each of said ampuls contained 2 mills of a solution of quinine dihydrochloride, whereas they did not but did contain a less amount. Misbranding was alleged with respect to the remainder of the quinine dihydrochloride for the reason that the statements, "Ampul 1½ Mills * * * Solution Quinine Dihydrochloride 0.5 Gm. (7½ Grs.)," borne on the cartons, and the statement, "1½ Mills * * * Solution Quinine Dihydrochloride 0.5 Gm. (7½ Grs.)," borne on the ampuls, were false and misleading in that they represented that said ampuls each contained 1½ mills of a solution of quinine dihydrochloride and that each of said 1½ mills contained 0.5 gram (7½ grains) of quinine dihydrochloride, whereas a portion of said ampuls each did not contain 1½ milliliters of a solution of quinine dihydrochloride, but did contain a less amount, and each 1½ milliliters of said solution did not contain 0.5 gram (7½ grains) of quinine dihydrochloride but did contain a less amount.

Misbranding of the sodium iodide was alleged for the reason that the statement, "10 C. C. Sodium Iodide," borne on the ampuls, was false and misleading in that the said statement represented that each of said ampuls contained 10 cubic centimeters of a solution of sodium iodide, whereas each of said ampuls did not contain 10 cubic centimeters of a solution of sodium iodide but did contain a less amount.

Misbranding was alleged with respect to a portion of the quinine and urea hydrochloride for the reason that the statement, "Ampul * * * 1 C. C. * * * Quinine and Urea Hydrochloride 0.45 Gm. (7 Grs.)," borne on the cartons, and "1 C. C. * * * Quinine and Urea Hydrochloride 0.45 Gm. (7 Grs.)," borne on the ampuls, were false and misleading in that they represented that each cubic centimeter contained 0.45 gram (7 grains) of quinine and urea hydrochloride, whereas each cubic centimeter did not contain 0.45 gram (7 grains) of quinine and urea hydrochloride, but did contain a less amount. Misbranding was alleged with respect to the remainder of the said quinine and urea hydrochloride for the reason that the statement, "Ampuls each containing Quinine and Urea Hydrochloride 0.324 Gm. (5 Grs.)," borne on the cartons, and "Quinine and Urea Hydrochloride 0.324 Gm. (5 Grs.)," borne on the ampuls, were false and misleading in that they represented that each of said ampuls contained 0.324 gram (5 grains) of quinine and urea hydrochloride, whereas they did not, but did contain a less amount.

On December 20, 1927, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$800.

W. M. JARDINE, *Secretary of Agriculture*

15597. Adulteration and misbranding of nitroglycerin tablets, atropine sulphate tablets, strychnine sulphate tablets, tincture cinchona, and tincture cinchona compound. U. S. v. Moore & Co., Inc. Plea of guilty. Fine, \$200. (F. & D. No. 21588. I. S. Nos. 7959-x, 8303-x, 8306-x, 8318-x, 8319-x, 8360-x, 8362-x, 8365-x.)

On October 14, 1927, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Moore & Co., Inc., a corporation, Worcester, Mass., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or

about March 4, April 29, June 16, and July 28, 1926, respectively, from the State of Massachusetts into the State of New Jersey, of quantities of nitroglycerin tablets, atropine sulphate tablets, strychnine sulphate tablets, tincture cinchona, and tincture cinchona compound, which were adulterated and misbranded. The articles were labeled, in part, variously: "Tablet * * * Nitroglycerine 1/50 Gr. Made by Moore & Company, Inc. Pharmaceutical Manufacturers Worcester, Mass. U. S. A.;" "Soluble Hypodermic Tablets Atropine Sulph., 1-50 gr., Accuracy, Moore & Co. M. & Co. Worcester, Mass.;" "Strychnine Sulphate, 1-60 gr. (or "1-30 gr." or "1-100 gr.");" "Tincture Cinchona U. S. P.;" "Tincture Cinchona Compound U. S. P."

Adulteration of the said tablets was alleged in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold, in that the labels represented the nitroglycerin tablets to contain 1/50 grain of nitroglycerin, whereas each of said tablets contained less than 1/50 grain of nitroglycerin, namely, in a portion of the said tablets, not more than 0.0117 grain, i. e., not more than 1/85 of a grain of nitroglycerin, and in the remainder of the said tablets, not more than 0.0125 grain, i. e., not more than 1/80 of a grain of nitroglycerin; the said atropine sulphate tablets were represented to contain 1/50 grain of atropine sulphate each, whereas each of said tablets contained less than 1/50 grain of atropine sulphate, to wit, not more than 0.0142 grain, i. e., less than 1/70 grain of atropine sulphate; the said strychnine sulphate tablets were represented to contain 1/60 grain, 1/30 grain, or 1/100 grain of strychnine sulphate each, whereas the alleged 1/60 grain tablets contained more than 1/60 grain of strychnine sulphate, to wit, not less than 0.0212 grain, i. e., more than 1/48 grain of strychnine sulphate, the alleged 1/30 grain tablets contained less than 1/30 grain of strychnine sulphate, to wit, not more than 0.0233 grain, i. e., approximately 1/43 grain of strychnine sulphate, and the alleged 1/100 grain tablets contained less than 1/100 grain of strychnine sulphate, to wit, not more than 0.00737 grain, i. e., less than 1/130 of a grain of strychnine sulphate.

Adulteration of the tincture cinchona and the tincture cinchona compound was alleged for the reason that the articles were sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in said pharmacopoeia official at the time of investigation of the articles, in that the said tincture cinchona yielded less than 0.8 gram of the alkaloids of cinchona per 100 mls, to wit, not more than 0.670 gram of the alkaloids of cinchona per 100 mls, whereas said pharmacopoeia provided that tincture cinchona should yield not less than 0.8 gram of the alkaloids of cinchona per 100 mls; the tincture cinchona compound yielded less than 0.4 gram of the alkaloids of cinchona per 100 mls, to wit, not more than 0.246 gram of the alkaloids of cinchona per 100 mls, whereas said pharmacopoeia provided that tincture cinchona compound yield not less than 0.4 gram of the alkaloids of cinchona per 100 cubic centimeters, i. e. per 100 mls; and the standard of strength, quality and purity of the said articles was not declared on the containers thereof.

Misbranding of the said tablets was alleged for the reason that the statements, to wit, "Tablet * * * Nitroglycerine 1/50 Gr.," "Tablet Triturates * * * Nitroglycerine 1/50 Gr.," "Tablets Atropine Sulph., 1-50 Gr.," "Tablets Strychnine Sulphate, 1-60 gr.," "Tablets Strychnine Sulphate 1-30 gr.," "Strychnine Sulphate 1/100 gr.," as the case might be, borne on the labels of the respective products, were false and misleading, in that the said statements represented that each of said tablets contained the amount of the product declared on the label thereof, whereas the alleged 1/60 grain strychnine sulphate tablets contained more than 1/60 grain of strychnine sulphate each, and the remainder of the said tablets contained less than the declared amount of respective products.

Misbranding of the tincture cinchona and the tincture cinchona compound was alleged for the reason that the statements, to wit, "Tincture Cinchona U. S. P.," and "Tincture Cinchona Compound U. S. P.," borne on the labels of the respective products, were false and misleading in that the said statements represented that the articles conformed to the standard laid down in the United States Pharmacopoeia, whereas they did not.

On November 7, 1927, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

W. M. JARDINE, *Secretary of Agriculture.*

15598. Misbranding of Hy'ne. U. S. v. 2½ Dozen Packages of Hy'ne. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22265. S. No. 264.)

On December 8, 1927, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2½ dozen packages of Hy'ne, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Hy'ne Company, from Chicago, Ill., on or about October 7, 1927, and transported from the State of Illinois into the State of Wisconsin, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of suppositories containing boric acid, salicylic acid, ammonia alum, thymol, quinine, and cacao butter.

Misbranding of the article was alleged in the libel for the reason that the following statements, borne on the labels, (wrapper, box label and circular) "Woman's * * * Remedy," (circular) "The first two or three applications may cause a slight smarting or burning sensation for a few minutes. Pay no attention to this as it will cease after a few applications. The extent of the burning is a criterion of the depth of the disease, as a perfectly healthy person will not experience it in the slightest. * * * For Aches, Pains, or Strains, which may be attributed to the weakness of the genital organs, use one Cone at any time. * * * If the pains do not cease at the end of four hours, use another cone. * * * For excessive flowing, weaknesses, painful menstruation, etc., * * * For suppressed, or irregular menstruation * * * For leucorrhoea or whites use one cone every eight hours for four days, then one each night for a month, or until cured. * * * For womb diseases, unpleasant discharges, inflammations, ulcerations, pains in kidneys or bladder, etc. * * * Hy'Ne may cause a slight burning sensation when first used. Do not be alarmed at this. It will pass away as the parts become healthy. To an absolutely healthy person no sensation is felt. After using for three days syringe the parts well with hot water; in many cases pieces or chunks of tissue will be discharged. Do not be alarmed at this as it is just as it should be. These are the primary causes of local irritation—and it is often necessary to remove these by surgical operation, the only resort in serious cases of Leucorrhoea, etc., except the use of Hy'Ne. * * * as a soothing stimulant or tonic can be used beneficially by every woman. * * * To Replace the Prolapsed Womb * * * a patient can readily replace the womb * * * and by the time the cones have cured engorgement and relaxed vagina there will be no prolapsus," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of accomplishing the results promised. Misbranding was alleged for the further reason that the following statements were false and misleading: (Box label) "Hy'ne is a guarantee of fullest compliance with the Pure Food and Drug Law and meets the highest requirements as to Uniformity, Purity, Efficiency, and therefore reliability," (circular) "Hy'ne is absolutely harmless. It contains no * * * deleterious substances. It is principally of vegetable origin and can be used without fear of injury."

On January 23, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15599. Misbranding of Methyloids. U. S. v. 8 Dozen Bottles of Methyloids. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22233. I. S. No. 14897-x. S. No. 276.)

On or about December 9, 1927, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 8 dozen bottles of Methyloids, at Ponce, P. R., alleging that the article had been shipped by Gabriel J. Fajardo, New York, N. Y., on or about July 15, 1927, and had been transported from the State of New York into the Territory of Porto Rico, and was being offered for sale and sold in said Territory, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it was composed essentially of methylene blue, sandalwood oil, copaiba balsam, cinnamon oil, and sulfonated oil.

It was alleged in the libel that the article was misbranded, in that the following statements, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton in English and foreign languages) "Gonorrhea, its complications and all cases where a urinary antiseptic is indicated," (circular, Spanish translated) "Urinary Antiseptic and Anti-Blenorrhagic * * * The treatment should be started as soon as the first symptoms of the disease appear and should be continued until its disappearance. * * * This disease does not always yield to internal treatment, sometimes requiring external treatment. * * * In connection with this treatment * * * In any venereal case where the disease does not yield to treatment, medical advice should be taken. Do not forget the danger of propagating this disease even after an apparent cure; medical advice should be obtained in order to be sure that it has completely disappeared."

On February 6, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15600. Adulteration of ergot. U. S. v. 18 Bags of Ergot. Consent decree of condemnation and forfeiture. Product released under bond to be exported. (F. & D. No. 21941. I. S. No. 14989-x. S. No. E-6063.)

On May 31, 1927, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 18 bags of ergot, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by Hugo Frei, from Hamburg, Germany, into the State of New York, arriving on or about February 14, 1927, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was sold under a name recognized in the U. S. Pharmacopoeia and differed in strength, quality and purity from the pharmacopoeial specifications, in that it had an activity of from $\frac{1}{4}$ to $\frac{1}{3}$ of that required by said pharmacopoeia for ergot, in violation of section 7, paragraph 1, of said act.

On October 18, 1927, Harold R. King and W. Russell Howe, copartners, trading as King & Howe, claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, conditioned in part that it be exported under the supervision of the Collector of Customs.

W. M. JARDINE, *Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 15551-15600

	N. J. No.		N. J. No.
Agmel:		Matricura, pildoras:	
Agmel Corporation-----	15583, 15584	American Tropical Remedy Co..	15590
Atropine sulphate tablets:		Methyloids:	
Moore & Co-----	15597	Fajardo, Gabriel J-----	15599
B-L:		Mineral powder:	
Blud Life Co-----	15567, 15594	Moorite Products Co-----	15573
Bo-Go-Ha-Ma water:		Mineral water. See Water.	
Stafford Springs Corp-----	15552	Moorite mineral powder:	
Borine:		Moorite Products Co-----	15573
Borine Manufacturing Co-----	15581	Musser's, Dr., capsules:	
Camphor in oil:		Musser-Reese Chemical Co....	15595
Tilden Co-----	15596	999—	
Chi-Ches-Ters pills:		astrigent wash:	
Chichester Chemical Co-----	15553	Combination Remedy Co-----	15591
Cinchona, tincture:		capsules:	
Moore & Co-----	15597	Combination Remedy Co-----	15591
St. Louis Physicians' Supply		nerve tonic:	
Co-----	15588	Combination Remedy Co-----	15591, 15592, 15593
Cinchona compound, tincture:		Nitre, spirits of:	
Moore & Co-----	15597	Crawford, W. H., Co-----	15562
Cod liver oil:		Nitroglycerin tablets:	
Aarsoether Brodr-----	15577	Moore & Co-----	15597
Dreyer, P. R-----	15577	Norma:	
Cod liver oil extract:		Norma Laboratories--	15559, 15561, 15563, 15564, 15569, 15575, 15576
Glogau & Co-----	15554	Nux vomica, tincture:	
Cordial Matricura:		St. Louis Physicians' Supply	
American Tropical Remedy		Co-----	15588
Co-----	15590	Opium, tincture:	
Crackers:		St. Louis Physicians' Supply	
Hygienic Health Food Co-----	15571	Co-----	15588
Crazy mineral water:		Pas-Shon-Rub:	
Crazy Well Water Co--	15557, 15558	Doctor's Laboratories-----	15585
Depurativo Gandul:		Phospho-Lecithin:	
Arecibo Drug Co-----	15555	Wampole, Henry K., & Co--	15574
D-O-D specific:		Pildoras Matricura:	
Smith, C. Nelson, Co--	15565, 15566	American Tropical Remedy	
Double O medicine:		Co-----	15590
Red Star Laboratories		Prescription 999—	
Co-----	15578, 15586	astrigent wash:	
Ergot:		Combination Remedy Co-----	15591
Frei, Hugo-----	15600	capsules:	
King & Howe-----	15600	Combination Remedy Co-----	15591
Ferrasal:		nerve tonic:	
Arensberg, M-----	15570	Combination Remedy Co-----	15591, 15592, 15593
Crown Remedy Co-----	15570	Pro-Long-Rub:	
Filarysine:		Doctor's Laboratories-----	15585
American Tropical Remedy Co..	15590	Quinine dihydrochloride:	
Fosfarsinol:		Tilden Co-----	15596
American Tropical Remedy		Quinine and urea hydrochloride am-	
Co-----	15568, 15590	puls:	
Gland tablets:		Tilden Co-----	15596
Lifo Medicine Co-----	15582	Ra'-Aid:	
Glandogen Co-----	15556	National Radium Laborato-	
Gandul:		ries-----	15580
Arecibo Drug Co-----	15555	Ra'-Balm:	
Grants hygienic crackers:		National Radium Laborato-	
Hygienic Health Food Co-----	15571	ries-----	15580
Herb medicine:		Sodium iodide ampuls:	
Lifo Medicine Co-----	15572, 15587, 15589	Tilden Co-----	15596
Hy'ne:		Spirits of nitre:	
Hy'ne Co-----	15560, 15598	Crawford, W. H., Co-----	15562
Jecorrol:		Stafford water:	
Glogau & Co-----	15554	Stafford Springs Corp-----	15552
Kentos:		Strychnine sulphate tablets:	
Kentos Laboratories-----	15551	Moore & Co-----	15597
Lifo gland tablets:		Syrup Gandul:	
Lifo Medicine Co-----	15582	Arecibo Drug Co-----	15555
Lifo herb medicine:		Water, mineral:	
Lifo Medicine Co-----	15572, 15587, 15589	Crazy Well Water Co--	15557, 15558
Matricura, cordial:		Stafford Springs Corp-----	15552
American Tropical Remedy Co..	15590	W H Y:	
		Bartlett Nu Products Corp--	15579

United States Department of Agriculture

FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

15601-15650

[Approved by the Secretary of Agriculture, Washington, D. C., December 6, 1928]

15601. Adulteration and misbranding of tuna fish. U. S. v. 18 Cases of Tuna Fish. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 19958, 19959. I. S. Nos. 14735-v, 14736-v. S. No. E-3950.)

On April 6, 1925, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 18 cases of tuna fish, remaining in the original unbroken packages at Abingdon, Va., alleging that the article had been shipped by the M. De Bruyn Importing Co., from New York, N. Y., in February, 1925, and had been transported from the State of New York into the State of Virginia, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that substances, yellowtail and bonita, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements, "Selected Quality Net Contents 7 Ounces, Juanita Brand, California Tuna, Standard All Light Meat, Bico Distributing Company, New York, Packed in Salad Oil Made from Cottonseed," borne on the label, were false and misleading and deceived and misled the purchaser, in that the purchaser was led to believe that the article was as represented by the said statements, whereas yellowtail had been mixed with and substituted wholly or in part for the article. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On April 20, 1925, the court handed down the following opinion as to the necessity for supporting affidavits other than that of the United States attorney before issuance of monition and attachment (McDowell, D. J.) :

"This is a proceeding for forfeiture under the Food and Drugs Act. The information does not allege previous seizure of the food sought to be condemned, and admits that it is in the possession of its owner, a wholesale dealer in groceries in this district. The information is not verified or supported, otherwise than by an affidavit by an assistant district attorney, which reads: 'The foregoing facts are true to the best of affiant's knowledge and belief.' The prayer is for the issue of monition attachment. For present purposes I shall assume that the Food and Drugs Act (34 Stat. 768 (Comp. St. §§ 8717-8728)) does not contemplate or require previous seizure (see U. S. v. Geo. Spraul & Co., 185 F. 405, 406, 407, 107 C. C. A. 569; U. S. v. Two Barrels, etc. (D. C.) 185 F. 302; U. S. v. One Hundred Barrels, etc. (D. C.) 188 F. 471, 475), and on such assumption I shall discuss the question of verification of informations for forfeiture of food and drugs, where a search warrant is not asked for.

"If the Fourth Amendment forbids the issue of the attachment, except on probable cause, supported by oath or affirmation, or if the conformity provision of section 10 of the Food and Drugs Act (Comp. St. § 8726) requires that the information be on oath or affirmation, the affidavit here is, I think, insufficient. See *Rice v. Ames*, 180 U. S. 371, 375, 376, 21 S. Ct. 406, 45 L. Ed. 577; *Ex parte Bollman*, 4 Cranch, 75, 130, 2 L. Ed. 554; *Salter v. State*, 2 Okl. Cr.

464, 102 P. 719, 25 L. R. A. (N. S.) 60, 139 Am. St. Rep. 935, 939-944; *Mowry v. Sanborn*, 65 N. Y. 581, quoted in *Clarke v. Neb. Nat. Bank*, 57 Neb. 314, 77 N. W. 805, 73 Am. St. Rep. 512; *Ex parte Lane* (D. C.) 6 F. 34-38; *Ex parte Morgan* (D. C.) 20 F. 298, 307; *Ex parte Spears*, 88 Cal. 640, 26 P. 608, 22 Am. St. Rep. 341, 342; *Leigh v. Green*, 64 Neb. 533, 90 N. W. 255, 101 Am. St. Rep. 592, 595.

"However, I know of no sufficient reason or authority for a belief that the Fourth Amendment was intended to apply to an attachment for the seizure of property. The bald letter of the amendment suggests that it was intended to apply only to warrants which direct both search and seizure. But, at least as to warrants for the arrest of persons charged with crime there seems no room for doubt that the amendment applies. *Ex parte Buford*, 3 Cranch, 448, 451, 453, 2 L. Ed. 495; *West v. Cabell*, 153 U. S. 78, 85, 87, 14 S. Ct. 752, 38 L. Ed. 643; in re *Rule of Court*, 3 Woods, 502, Fed. Cas. No. 12,126; *U. S. v. Maxwell*, Fed. Cas. No. 15,750, pp. 1221, 1222; *U. S. v. Tureaud* (C. C.) 20 F. 621; in re *Gourdin* (D. C.) 45 F. 842; in re *Dana* (D. C.) 68 F. 886, 895; *Johnston v. U. S.* 87 F. 187, 30 C. C. A. 612; *U. S. v. Sapinkow* (C. C.) 90 F. 654; *U. S. v. Baumert* (D. C.) 179 F. 735; *Weeks v. U. S.* 216 F. 292, 132 C. C. A. 436; *L. R. A.* 1915B, 651, Ann. Cas. 1917C, 524.

"A very satisfactory reason for discriminating attachments from search warrants, and from ordinary warrants for the arrest of persons for crime, is that there is no historical evidence, so far as I know, of abuses in respect to writs of attachment, either in England or in America, prior to the adoption of the Fourth Amendment, and therefore there was no reason for an intent that the amendment should include attachments.

"In *Boyd v. U. S.*, 116 U. S. 616, 624, 6 S. Ct. 524, 529 (29 L. Ed. 746), is said, obiter: 'The entry upon premises made by a sheriff or other officer of the law, for the purpose of seizing goods and chattels by virtue of a judicial writ, such as an attachment, a sequestration, or an execution, is not within the prohibition of the Fourth or Fifth Amendment, or any other clause of the Constitution.'

"In *Den ex dem. Murray v. Hoboken Land, etc., Co.*, 18 How. 272, 285, 286 (15 L. Ed. 372), in respect to the distress warrant, an extent, authorized by the Act of May 15, 1820, c. 107, § 2 (3 Stat. 592) against delinquent collectors of federal revenues, it is said: 'The remaining objection to this warrant is, that it was issued without the support of an oath or affirmation, and so was forbidden by the fourth article of the amendments of the constitution. But this article has no reference to civil proceedings for the recovery of debts, of which a search warrant is not made part. The process, in this case, is termed, in the act of congress, a warrant of distress. The name bestowed upon it can not affect its constitutional validity. In substance, it is an extent authorizing a levy for the satisfaction of a debt; and as no other authority is conferred, to make searches or seizures, than is ordinarily embraced in every execution issued upon a recognizance, or a stipulation in the admiralty, we are of opinion it was not invalid for this cause.'

"A distress warrant issued by the order of a treasury agent and directing the seizure and sale of goods and chattels and an attachment issued by order of a court and directing the seizure of goods and chattels, are not identical. But if the Fourth Amendment does not apply to the distress warrant, I see no reason for saying that it applies to the attachment.

"I have discovered only two adjudications relating to the application of the Fourth Amendment to the issue of attachments in forfeiture proceedings under Section 10 of the Food and Drugs Act. In *U. S. v. Eight Casks of Drug Products*, Notice of Judgment 697, the District Court of the Southern District of Ohio in 1910 sustained a demurrer to the information because, *inter alia*, the 'libel was not properly verified by any persons having knowledge of the facts.' In *U. S. v. Three Hundred Cases of Mapleine*, Notice of Judgment 163, (no opinion filed) the District Court for the Northern District of Illinois, in 1909, overruled, without discussion, an exception to the information on the ground that it was not under oath. In the first case there is some discussion, but it is quite unconvincing and no authority in point is cited.

"The only satisfactory conclusion I can reach is that the Fourth Amendment does not apply to the issue of the writ of attachment in forfeiture cases under section 10 of the Food and Drugs Act.

"Section 10 contains a provision reading: 'The proceedings in such libel cases shall conform, as near as may be, to the proceedings in admiralty * * *.' If it be assumed that the 'proceedings in admiralty' intended were not those followed in forfeiture cases based on previous seizure (Rule 22, of 1854, 3 How.

XIII), but were those in ordinary libels in instance causes (Rule 23 of 1854 and Rule 22 of 1920); still the use of the expression 'as near as may be' authorizes the exercise of some degree of judicial discretion. As was said in *Indianapolis etc. R. Co. v. Horst*, 93 U. S. 300, (23 L. Ed. 898): 'The conformity is required to be "as near as may be"—not as near as may be *possible*, or as near as may be *practicable*.' See also *Mexican Central R. Co. v. Pinkney*, 149 U. S. 194, 207; 13 S. Ct. 859, 37 L. Ed. 699; *Shepard v. Adams*, 168 U. S. 618, 624, 625; 18 S. Ct. 214, 42 L. Ed. 602.

"It is quite possible that food may be so 'adulterated' within the meaning of the Act as to be poisonous. It is also possible that drugs, either because of adulteration or misbranding, may be highly dangerous. And if seizure previous to the drafting of the information is not authorized by the Act, it is clear that great rapidity of action on the part of the district attorney will frequently be necessary. Outside of the District of Columbia and of the insular possessions, the (domestic) article to be condemned must be either in transit or still unloaded, unsold or in original unbroken packages. So far as my experience goes, it is rarely practicable to attach in transit, and it is sometimes necessary to use great expedition to attach before the article has been sold. And where haste is necessary the delay involved in having affidavits by the government agents who know the facts transmitted to the judge may easily be wholly or in part fatal to the effort to condemn. In view of this fact it seems a reasonable exercise of discretion to hold that the information in such cases need not be verified.

"It may be added that the practice in admiralty under old Rule 23, new Rule 22 (254 U. S. appendix), in instance causes in which the United States is the libellant is not and seemingly has never been uniform. In some of the district courts such libels are not required to be verified, and in others they are. See *Wayles Proceedings in Rem.* p. 77; 2 *Foster Fed. Pr.* (5th ed.) p. 1947; *The J. R. Hoyle Fed. Cas. No. 7557*; *U. S. v. 2 Barrels etc.* (D. C.) 185 Fed. 302, 307. In this Circuit the affidavit is required in the District of Maryland and in the Eastern District of Virginia. No affidavit is required in the Eastern District of South Carolina, and such, I believe, is the practice also in the Eastern District of North Carolina.

"In section 4 of the Food and Drugs Act (Comp. St. § 8720) is a requirement of verification by the analyst of every analysis of food or drugs found to be adulterated or misbranded. And this verified analysis is to be certified by the Secretary of Agriculture to the proper district attorney. But as there is no requirement for an affidavit showing other equally indispensable facts justifying a forfeiture, such for instance as an interstate transit, and as the affidavit required by section 4 is not directed to be filed with the information for forfeiture, it seems to me that the provision in question was intended either merely to insure accuracy on the part of analyst or as a basis for a warrant for the arrest of a person to be criminally prosecuted under section 1 or 2 of the Act. (Comp. St. §§ 8717, 8718).

"Section 10 of the Act is of very doubtful meaning in several respects. And which of several practices in admiralty was in the mind of the draftsman will, I believe, always be in great doubt. It may have been the practice (under old Rule 22) in forfeiture cases where previous seizures had been made and in which verification was needless; or it may have been the practice (under old rule 23) in those courts which required that all libels in instance causes be verified; or it may have been the practice in these courts which did not require libels in instance causes in behalf of the United States to be verified. But this doubt need not be solved in respect to informations for forfeiture which seek only the issue of monition and attachment. As has been said, the words 'as near as may be' permit the exercise of a reasonable discretion, and as the delays involved in laying before the court affidavits by persons who have first hand knowledge of the facts may frequently be fatal to the efficacy of the proceeding, I believe it permissible and judicious to order the issue of monitions and attachments on informations which are wholly unsupported by oath or affirmation."

On May 25, 1925, the product was seized by the United States marshal.

At the November, 1926, term of court, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15602. Adulteration of dried figs. U. S. v. 100 Boxes of Dried Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21937. I. S. No. 10724-x. S. No. W-2152.)

On May 27, 1927, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 100 boxes of dried figs, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Bonner Packing Co., from Locans, Calif., May 11, 1927, and had been transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Sphinx Brand Extra Fancy California White Figs Packed for California Packing Corporation * * * San Francisco, Cal."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On June 22, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15603. Adulteration of figs. U. S. v. 25 Boxes, et al., of Figs. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 21946, 21947. I. S. Nos. 12953-x, 12954-x, 12955-x, 12958-x, 12959-x, 12960-x. S. Nos. W-2150, W-2151.)

On June 1, 1927, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 285 boxes of figs, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Rosenberg Bros. & Co., from San Francisco, Calif., in various consignments, on or about March 12, March 29, and May 3, 1927, respectively, and had been transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Happy Home Brand Fancy (or 'Extra Fancy') White Figs," "Madrona Brand Evaporated White Figs." and "Happy Home Brand Fancy Evaporated White Figs."

It was alleged in the libels that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On June 22, 1927, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15604. Adulteration and misbranding of frozen eggs. U. S. v. 421 Cans of Canned Frozen Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22373. I. S. No. 21877-x. S. No. 438.)

On January 17, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 421 cans of frozen eggs, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped in interstate commerce by Sam Katz, from Chicago, Ill., about December 12, 1927, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 6, 1928, Henningsen Bros., Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$5,800, conditioned in part that it be salvaged by separating the good from the bad eggs, and that the latter be destroyed or disposed of under the supervision of this department for some approved technical purpose.

W. M. JARDINE, *Secretary of Agriculture.*

15605. Adulteration of muffin figs. U. S. v. 300 Cases of Muffin Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22421. I. S. No. 17711-x. S. No. 497.)

On February 6, 1928, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 300 cases of muffin figs, remaining in the original unbroken packages at Boston, Mass., consigned December 29, 1927, alleging that the article had been shipped by the Sunland Sales Cooperative Assoc., San Francisco, Calif., and had been transported from the State of California into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part as follows: "Blue Ribbon Brand Muffin Figs, Produced and Packed by California Peach & Fig Growers Association, Main Office, Fresno, California."

It was alleged in the libel that the article was adulterated, in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On February 24, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15606. Adulteration and misbranding of chocolate coating. U. S. v. Massachusetts Chocolate Co. Plea of guilty. Fine, \$300. (F. & D. No. 22530. I. S. No. 13253-x.)

On October 14, 1927, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Massachusetts Chocolate Co., a corporation, Boston, Mass., alleging shipment by said company, in violation of the food and drugs act, on or about November 30, 1926, from the State of Massachusetts into the State of Maryland, of a quantity of chocolate coating which was adulterated and misbranded. The article was labeled in part: (On tag in pencil) "Arena Flavored Choc Coating 200 lbs. net."

It was alleged in the information that the article was adulterated, in that a substance, to wit, cocoa shells, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength, and in that excessive cocoa shells had been substituted in part for chocolate coating which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Choc Coating," borne on the label, was false and misleading, in that the said statement represented that the article consisted wholly of chocolate coating, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of chocolate coating, whereas it did not so consist but did consist in part of excessive cocoa shells.

On November 7, 1927, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$300.

W. M. JARDINE, *Secretary of Agriculture.*

15607. Misbranding and alleged adulteration of canned corn. U. S. v. 292 Cases and 39 Cases of Canned Corn. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 22325, 22340. I. S. Nos. 19732-x and 23602-x. S. Nos. 372, 388.)

On December 27 and December 31, 1927, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 331 cases of canned corn, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by Carroon & Co., from Fowler, Ind., in two consignments, October 6, and October 14, 1927, respectively, and had been transported from the State of Indiana into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cans) "Carroon's Fancy (or "Jolly Pals Brand") Country Gentleman Sugar Corn * * * Packed by Carroon & Co. Inc. Fowler, Ind."

It was alleged in the libels that the article was adulterated, in that a product, field corn, had been mixed and packed therewith, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "Country Gentleman Sugar Corn," borne on the labels, was false and misleading and deceived

and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, that is, sugar corn, whereas it was composed in whole or in part of field corn.

On January 31, 1928, the cases having been consolidated into one cause of action and Carroon & Co., Inc., Fowler, Ind., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of the court was entered finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be relabeled in part, "Sugar Corn and Field Corn."

W. M. JARDINE, *Secretary of Agriculture.*

15608. Misbranding of cottonseed cake. U. S. v. 65 Sacks of Cottonseed Cake. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 20932. I. S. No. 433-x. S. No. W-1918.)

On March 17, 1926, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 65 sacks of cottonseed cake, remaining in the original unbroken packages at Pueblo, Colo., consigned by the Terminal Oil Mill Co., Oklahoma City, Okla., alleging that the article had been shipped from Oklahoma City, Okla., on or about June 6, 1925, and had been transported from the State of Oklahoma into the State of Colorado, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Tomco Prime' Cottonseed Cake or Meal * * * Guaranteed Analysis Protein, not less than 43 per cent."

It was alleged in the libel that the article was misbranded in that the statement, "Protein not less than 43 per cent," borne on the label, was false and misleading and deceived and misled the purchaser, since the product did not contain 43 per cent of protein.

On February 13, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be relabeled to show the correct analysis, and sold by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15609. Adulteration and misbranding of frozen egg whites. U. S. v. 800 Cans of Frozen Egg Whites. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22408. I. S. No. 20265-x. S. No. 495.)

On January 30, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 800 cans of frozen egg whites, remaining in the original unbroken packages at Philadelphia, Pa., consigned by M. Augenblick & Bro., Newark, N. J., alleging that the article had been shipped from Newark, N. J., on or about August 8, 1927, and transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "M. Augenblick & Bro. Newark, N. J. Whites."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 17, 1928, M. Augenblick & Bro., Inc., Newark, N. J., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$5,000, conditioned in part that it not be sold or otherwise disposed of contrary to law, and be relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15610. Misbranding of cottonseed meal. U. S. v. 150 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22439. I. S. No. 20270-x. S. No. 536.)

On February 9, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district a libel praying seizure and condemnation of 150 sacks of cottonseed meal, remaining in the original unbroken packages at Limerock, Pa., consigned by the Eastern Cotton Oil Co., Hertford, N. C., alleging that the article had been shipped from Hertford, N. C., on or about November 3, 1927, and had been shipped from the State of North Carolina into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Cotton Seed Meal * * * Manufactured by Eastern Cotton Oil Co. * * * Guarantee Protein not less than 41 per cent."

It was alleged in the libel that the article was misbranded in that the statement, "Protein not less than 41 per cent," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On February 17, 1928, the Eastern Cotton Oil Co., Hertford, N. C., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it not be sold or otherwise disposed of contrary to law, and be relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15611. Adulteration and misbranding of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22475. I. S. No. 21463-x. S. No. 507.)

On or about January 23, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 13 tubs of butter, remaining in the original unbroken packages at New York, N. Y., consigned by the Scandinavian Creamery Co., Viborg, S. Dak., January 14, 1928, alleging that the article had been shipped in interstate commerce from the State of South Dakota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that a substance deficient in butterfat had been mixed and packed therewith so as to lower or injuriously affect its quality and strength, and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the descriptive name of another article.

On February 9, 1928, the Scandinavian Creamery, of Viborg, S. Dak., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$450, conditioned in part that it be reprocessed so as to contain at least 80 per cent of butterfat.

W. M. JARDINE, *Secretary of Agriculture.*

15612. Misbranding of cottonseed meal. U. S. v. 600 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22248. I. S. No. 23140-x. S. No. 301.)

On December 2, 1927, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 600 sacks of cottonseed meal, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Traders Oil Mill Co., from Fort Worth, Tex., November 25, 1927, and had been transported from the State of Texas into the State of Minnesota, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "43% Protein Cottonseed Meal Prime Quality. Manufactured by Traders Oil Mill Co. Fort Worth, Texas. Guaranteed Analysis Crude Protein not less than 43%."

It was alleged in the libel that the article was misbranded, in that the statements, "43% Protein" and "Guaranteed Analysis Crude Protein not less than

43%," borne on the label, were false and misleading and deceived and misled the purchaser.

On December 28, 1927, the International Sugar Feed Co., Minneapolis, Minn., having appeared as claimant for the property and having consented to the forfeiture and condemnation of the product, a decree was entered ordering release of the said product to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,800, conditioned in part that it be rebranded and retagged.

W. M. JARDINE, *Secretary of Agriculture.*

15613. Adulteration of dried apple chops. U. S. v. 644 Sacks of Dried Apple Chops. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22367. I. S. No. 19802-x. S. No. 411.)

On January 9, 1928, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 644 sacks of dried apple chops, remaining in the original unbroken packages at Cincinnati, Ohio, alleging that the article had been shipped by the Denney Fruit Co., from Payette, Idaho, November 30, 1927, and had been transported from the State of Idaho into the State of Ohio, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it contained an added poisonous substance which might have rendered it injurious to health.

On January 19, 1928, Edward T. Klum & Son having appeared for Rosenberg Bros. & Co., Cincinnati, Ohio, claimant, and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$5,000, conditioned in part that it be salvaged under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15614. Misbranding of cottonseed meal. U. S. v. 400 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22260. I. S. No. 23302-x. S. No. 311.)

On December 5, 1927, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 400 sacks of cottonseed meal, remaining in the original unbroken packages at Appleton, Wis., alleging that the article had been shipped by the Traders Oil Mill Co., from Fort Worth, Tex., November 28, 1927, and had been transported from the State of Texas into the State of Wisconsin, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Steerboy Brand Cotton-Seed Meal * * * Guaranteed Analysis Protein 43 per cent Manufactured in U. S. A. for S. P. Davis, Shipper. Little Rock, Ark."

It was alleged in the libel that the article was misbranded in that the statement, "Protein 43 per cent," borne on the label, was false and misleading and deceived and misled the purchaser.

On December 16, 1927, the Traders Oil Mill Co., Fort Worth, Texas, having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it not be sold or otherwise disposed of contrary to law.

W. M. JARDINE, *Secretary of Agriculture.*

15615. Adulteration of fig paste. U. S. v. 50 Boxes of Fig Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22270. I. S. No. 17330-x. S. No. 295.)

On December 5, 1927, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 50 boxes of fig paste, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by R. Fair, Modesto, Calif., on or about November 11, 1927, and had been transported from the State

of California into the State of Oregon, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On March 2, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15616. Adulteration of dried black figs. U. S. v. 74 Boxes of Dried Black Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22338. I. S. No. 13150-x. S. No. 392.)

On December 31, 1927, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 74 boxes of dried black figs, remaining in the original unbroken packages at Pueblo, Colo., consigned by the Sunland Sales Cooperative Assoc., Fresno, Calif., alleging that the article had been shipped from Fresno, Calif., in part on or about October 27, 1927, and in part on or about November 21, 1927, and had been transported from the State of California into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Blue Ribbon Brand Choice Mission Figs Produced & Packed by California Peach & Fig Growers. Main Office, Fresno, California."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 16, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15617. Adulteration of mixed nuts. U. S. v. 74 Bags of Mixed Nuts. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22237. I. S. No. 20352-x. S. No. 277.)

On November 29, 1927, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 74 bags of mixed nuts, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Wm. A. Higgins & Co., Inc., from New York, N. Y., on or about October 20, 1927, and had been transported from the State of New York into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Tip Top Mixed Nuts."

It was alleged in the libel that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On January 25, 1928, Wm. A. Higgins & Co., Inc., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, conditioned in part that it not be sold or disposed of until separated, picked, and reconditioned to conform with the law.

W. M. JARDINE, *Secretary of Agriculture.*

15618. Misbranding of cottonseed meal. U. S. v. 212 Bags of Cottonseed Meal. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22191. I. S. No. 11872-x. S. No. 242.)

On November 21, 1927, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 212 bags of cottonseed meal, remaining in the original unbroken packages at Cumberland, Md., alleging that the article had been shipped by the Home Oil Mills Co., from Decatur, Ala., on or about August 10, 1927, and had been transported from the State of Alabama into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Guaranteed Analysis Owl Brand 41% Prime Cotton Seed

Meal * * * Protein (Min.) 41.00% * * * Nitrogen (Min.) 6.56%
 * * * Fibre (Max.) 10.00% * * * Manufactured for F. W. Brode Corporation, Memphis, Tennessee."

It was alleged in the libel that the article was misbranded, in that the statements, "Guaranteed Analysis 41% Prime Cotton Seed Meal * * * Protein (Min.) 41.00% * * * Nitrogen (Min.) 6.56% * * * Fibre (Max.) 10.00%," borne on the label, were false and misleading and deceived and misled purchasers. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On December 14, 1927, the Deal Bros. Milling Co., Cumberland, Md., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, conditioned in part that it not be sold or otherwise disposed of until properly tagged with the true protein content.

W. M. JARDINE, *Secretary of Agriculture.*

15619. Misbranding of lemon snaps, vanilla snaps, sugar wafers, and cheese puffs. U. S. v. Pacific Coast Biscuit Co. Plea of guilty. Fine, \$140. (F. & D. No. 22522. I. S. Nos. 10973-x, 10976-x, 11108-x, 11135-x, 11137-x, 11150-x, 12776-x.)

On December 20, 1927, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Pacific Coast Biscuit Co., a corporation, trading at Los Angeles, Calif., alleging shipment by said company, in violation of the food and drugs act as amended, between the dates of November 23, 1926, and March 3, 1927, from the State of California, in part into the State of New Mexico, and in part into the State of Arizona, of quantities of lemon snaps, vanilla snaps, sugar wafers, and cheese puffs, which were misbranded. The articles were labeled variously: "Swas-tika Lemon Snaps * * * Pacific Coast Biscuit Company Net Weight 3 Oz.;" "Swas-Tika Vanilla Snaps Pacific Coast Biscuit Company Net Weight 3 Oz.;" "Fiesta Sugar Wafers Lemon * * * Snowflake Bakers Product * * * Pacific Coast Biscuit Company Net Weight 1½ Ounces," or "* * * Cheese Puffs Net Weight 2¾ Oz. * * * Pacific Coast Biscuit Company."

It was alleged in the information that the articles were misbranded in that the statements, to wit, "Net Weight 3 Oz.," "Net Weight 1½ Ounces," and "Net Weight 2¾ Oz.," borne on the labels of the packages containing the respective articles, regarding the quantity of the articles contained therein, were false and misleading, in that the said statements represented that the packages contained 3 ounces, 1½ ounces, or 2¾ ounces, as the case might be, of the said articles, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that said packages contained the amount declared on the label, whereas each of a number of said packages contained less than declared on the label. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that the quantity declared was more than the actual contents of the package.

On January 3, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$140.

W. M. JARDINE, *Secretary of Agriculture.*

15620. Adulteration and misbranding of olive oil. U. S. v. 55 Gallon Cans, et al., of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 22352. I. S. Nos. 21029-x, 21030-x, 21031-x, 21032-x. S. No. 409.)

On January 30, 1928, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 55 gallon cans and 131 half-gallon cans of olive oil, shipped by Thomas DeConciliis, remaining in the original unbroken packages at Attleboro, Mass., alleging that the article had been shipped from Providence, R. I., on or about April 6, 1927, and transported from the State of Rhode Island into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated, in that a substance, cottonseed oil, had been substituted in part for the said article, and had

been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statements, "Prodotti Italiani Olio di Oliva Pure Olive Oil Sopraffino Italia Brand Trade Mark Lucca Toscana Italia Net Contents 1 Gall. (or "Net Contents $\frac{1}{2}$ Gal.")," borne on the label, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package; for the further reason that the said article purported to be a foreign product; for the further reason that it was offered for sale under the distinctive name of another article; and for the further reason that it was falsely branded as to the country in which it was manufactured.

On February 24, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15621. Misbranding of butter. U. S. v. Western Creamery Co., Inc. Plea of guilty. Fine, \$50. (F. & D. No. 22524. I. S. Nos. 10914-x, 10915-x, 12783-x, 12784-x.)

On November 2, 1927, the United States Attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Western Creamery Co., Inc., a corporation trading as the Western Creamery Co., Salt Lake City, Utah, alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, on or about March 11, March 14, and March 16, 1927, respectively, from the State of Utah into the State of California, of quantities of butter which was misbranded. The article was labeled in part: "Sunset Gold Brand Creamery Butter * * * 1 Lb. Net."

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "1 Lb. Net," borne on the packages containing the said article, was false and misleading in that the said statement represented that the packages contained 1 pound of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said packages contained 1 pound of butter, whereas each of a number of said packages contained less than 1 pound of butter. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that each of a number of the said packages contained less than declared on the label.

On November 15, 1927, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture.*

15622. Adulteration of shell eggs. U. S. v. Joseph W. Williams. Plea of guilty. Fine, \$50. (F. & D. No. 21590. I. S. Nos. 843-x, 845-x.)

On May 5, 1927, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Joseph W. Williams, trading at Republican City, Neb., alleging shipment by said defendant, in violation of the food and drugs act, in two consignments, on or about September 3, and September 6, 1926, respectively, from the State of Nebraska into the State of Colorado, of quantities of shell eggs, which were adulterated. The article was labeled in part: "From J. W. Williams Rep. City, Neb." or "frm. J. W. W. Rep. City, Neb."

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy, putrid, and decomposed animal substance.

On March 12, 1928, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture.*

15623. Adulteration of oranges. U. S. v. 125 Bushels of Oranges. Default order of forfeiture and destruction entered. (F. & D. No. 22513. I. S. No. 14668-x. S. No. 602.)

On February 18, 1928, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 125 bushels of oranges in hampers, remaining in the

original unbroken packages at Savannah, Ga., alleging that the article had been shipped by Prevatt & Co., from Seville, Fla., on or about February 14, 1928, and had been transported from the State of Florida into the State of Georgia, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a decomposed vegetable substance.

On March 6, 1928, no claimant having appeared for the property, a decree was entered ordering that the product be surrendered to the United States marshal to be by him destroyed.

W. M. JARDINE, *Secretary of Agriculture.*

15624. Adulteration of fig bars. U. S. v. 21 Boxes of Fig Bars. Default order of destruction entered. (F. & D. No. 22280. I. S. No. 13086-x. S. No. 329.)

On December 15, 1927, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 21 boxes of fig bars, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by the Old Mission Fig Bar Co., from Oakland, Calif., on or about November 8, 1927, and had been transported from the State of California into the State of Utah, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Whole Wheat * * * Fig Bars, Old Mission, Made by Mother's Cookie Company, Oakland, Cal."

Misbranding of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance, in that said fig bars showed the presence of insect and larvae heads.

On February 4, 1928, no claimant having appeared for the property, a decree was entered adjudging the product adulterated and ordering that it be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15625. Adulteration of dried figs. U. S. v. 25 Cases and 15 Cases of Dried Figs. Default decrees of destruction entered. (F. & D. Nos. 22023, 22057. I. S. Nos. 17024-x, 17027-x. S. Nos. 59, 96.)

On August 16, and September 10, 1927, respectively, the United States attorney for the District of Utah, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 40 cases of dried figs, remaining in the original unbroken packages at Salt Lake City, Utah, consigned by the Sunland Sales Cooperative Assoc., Fresno, Calif., alleging that the article had been shipped from Fresno, Calif., in part on or about May 16, 1927, and in part on or about July 21, 1927, and had been transported from the State of California into the State of Utah, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Blue Ribbon Brand Mission (or "Muffin") Figs Produced and Packed by California Peach & Fig Growers Association, * * * Fresno, California."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On October 31 and December 17, 1927, respectively, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15626. Adulteration of figs. U. S. v. 592 Sacks of Figs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21886. I. S. No. 14983-x. S. No. E-6111.)

On May 2, 1927, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 592 sacks of figs, remaining unsold in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by Garcia & Maggini Co., from San Francisco, Calif., on or about March 28, 1927, and had been transported from the State of California into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a moldy, wormy, dirty, sour, and bird-pecked vegetable substance, and was filthy, decomposed, or putrid.

On October 10, 1927, W. A. Higgins & Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, conditioned in part that it be labeled, "Not for Human Consumption," and should not be used for human consumption or for purposes other than distillation of alcohol, manufacture of tobacco, and hog feed.

W. M. JARDINE, *Secretary of Agriculture.*

15627. Adulteration and misbranding of olive oil. U. S. v. 32 Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction. F. & D. No. 22604. I. S. No. 23403-x. S. No. 587.)

On March 5, 1928, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 32 cans of olive oil, remaining in the original unbroken packages at Beaumont, Texas, alleging that the article had been consigned fro Paul Gallo, New Orleans, La., October 21, 1927, and transported from the State of Louisiana into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that cottonseed oil had been mixed and packed with and substituted in whole or in part for a genuine article designated as olive oil.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 3, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15628. Adulteration and misbranding of cottonseed meal. U. S. v. 200 Bags of Cottonseed Meal. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22350. I. S. No. 18505-x. S. No. 403.)

On January 4, 1928, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 200 bags of cottonseed meal, remaining in the original unbroken packages at North Adams, Mass., consigned about October 3, 1927, alleging that the article had been shipped by the Planters Oil Co., Albany, Ga., and had been transported in interstate commerce from Albany, Ga., into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it contained a substance deficient in protein, which had been substituted in part for the said article and had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statement, "Choice-Prime * * * Cottonseed Meal Guaranteed Analysis Min. Protein 41.12%," was false and misleading and deceived and misled the purchaser, and in that the article was offered for sale under the distinctive name of another article.

On February 29, 1928, the Humphreys-Godwin Co., Inc., Memphis, Tenn., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15629. Adulteration and misbranding of butter. U. S. v. 9 Tubs, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 22511, 22512, 22602, 22603. I. S. Nos. 21884-x, 21887-x, 21906-x, 21909-x. S. Nos. 535, 564, 568, 594.)

On February 6, 9, 14, and 17, 1928, respectively, the United States attorney for the Southern District of New York, acting upon reports by the Secretary

of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 45 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Portland Creamery Co., from Portland, N. Dak., in various consignments on or about January 28, February 1, February 4, and February 6, 1928, respectively, and had been transported from the State of North Dakota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libels that the article was adulterated, in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to a portion of the product for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 24, February 28, and February 29, 1928, respectively, the Portland Creamery Co., Portland, N. Dak., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds totaling \$2,600, conditioned in part that it be reprocessed and reworked. The claimant agreed that the reconditioned product should contain at least 80 per cent of butterfat and that the packages be plainly and conspicuously marked to show the true quantity of the contents.

W. M. JARDINE, *Secretary of Agriculture.*

15630. Adulteration of scallops. U. S. v. 5 Boxes of Scallops. Default decree of condemnation and forfeiture. Product ordered delivered to charitable institution. (F. & D. No. 22416. I. S. No. 21578-x. S. No. 452.)

On January 14, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 boxes, containing 70 gallons, of scallops, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by J. H. Potter & Son, from Beaufort, N. C., on or about January 12, 1928, and had been transported from the State of North Carolina into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that a substance, water, had been mixed and packed with and substituted in part for scallops.

On January 28, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the portions of the product fit for human consumption be delivered to a charitable institution.

W. M. JARDINE, *Secretary of Agriculture.*

15631. Adulteration of figs. U. S. v. 50 Boxes of Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22150. I. S. Nos. 17326-x, 17328-x. S. No. 206.)

On November 10, 1927, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 50 boxes of figs, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Sunland Sales Cooperative Assoc., from Fresno, Calif., in various lots on or about May 13, October 17, and October 25, 1927, respectively, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Blue Ribbon Brand Choice Mission Figs, Produced & Packed by California Peach & Fig Growers. Main Office, Fresno, Calif."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On February 28, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15632. Misbranding of alfalfa meal. U. S. v. 300 Sacks of Alfalfa Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22470. I. S. No. 17463-x. S. No. 585.)

On or about February 23, 1928, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 300 sacks of alfalfa meal, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the California Hawaiian Milling Co., from San Francisco, Calif., on or about December 1, 1927, and transported from the State of California into the State of Oregon, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "C and H Poultry Meal Fancy Alfalfa Meal * * * Crude Protein, not less than 18% * * * Manufactured by California Hawaiian Milling Co., * * * San Francisco, Calif."

It was alleged in the libel that the article was misbranded, in that the statement on the label, "Crude Protein not less than 18%," was false and misleading and deceived and misled the purchaser.

On February 29, 1928, the California Hawaiian Milling Company, Inc., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$50, conditioned in part that it not be sold or otherwise disposed of until relabeled in manner satisfactory to this department.

W. M. JARDINE, *Secretary of Agriculture.*

15633. Adulteration of figs. U. S. v. 500 Bags of Dried Figs. Product ordered released under bond. (F. & D. No. 22405. I. S. No. 13160-x. S. No. 498.)

On January 28, 1928, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 500 bags of figs, remaining in the original unbroken packages at Denver, Colo., shipped by the Duane Trading Co., New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about October 1, 1927, from New York, N. Y., into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "FAB Sterling Natural Figs, Smyrna, Turkey."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On March 1, 1928, the Merchants Biscuit Co., Denver, Colo., having appeared as claimant for the property, a decree was entered ordering that the product be released to the said claimant upon the execution of a bond in the sum of \$3,500, conditioned that it not be used or disposed of contrary to law. It was further ordered by the court that the product be examined under the supervision of this department, that any figs found to be adulterated be condemned and destroyed, and that the bond be released upon compliance with the terms of the decree and payment of costs by the claimant.

W. M. JARDINE, *Secretary of Agriculture.*

15634. Adulteration and misbranding of cottonseed meal and cake. U. S. v. 120 Sacks of Cottonseed Meal and 280 Sacks of Cottonseed Cake. Products ordered released under bond to be relabeled. (F. & D. No. 22139. I. S. Nos. 23016-x, 23017-x. S. No. 200.)

On November 9, 1927, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 120 sacks of cottonseed meal, and 280 sacks of cottonseed cake, remaining in the original packages at Des Moines, N. Mex., alleging that the articles had been shipped by the Quanah Cotton Oil Co., Quanah, Tex., October 26, 1927, and had been transported from the State of Texas into the State of New Mexico, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: (Tag) "43 Per

Cent Protein, Cottonseed Meal (or "Cake") Prime Quality, Manufactured by Qunah Cotton Oil Co., Qunah, Texas, Guaranteed Analysis, Crude Protein Not Less than 43 Per Cent."

It was alleged in the libel that the said sacks were misbranded and the contents thereof adulterated in that the said statements, on the labels, regarding the chemical contents of the articles, were false and misleading and were intended and calculated to deceive and did deceive the purchaser, in that products containing less than 43 per cent of protein had been substituted for 43 per cent protein cottonseed meal and cake, which the articles purported to be.

On December 30, 1927, the Qunah Cotton Oil Co., Qunah, Tex., having appeared as claimant for the property and having admitted the allegations of the libel, a decree was entered finding that the products should be relabeled to show that they contained 40½ per cent of protein, and it was ordered by the court that the said products be released to the claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, conditioned in part that they be relabeled to show the true protein content.

W. M. JARDINE, *Secretary of Agriculture.*

15635. Adulteration and misbranding of cottonseed meal. U. S. v. 50 Sacks of Cottonseed Meal. Product ordered released under bond. (F. & D. No. 22189. I. S. No. 23070-x. S. No. 241.)

On November 21, 1927, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 50 sacks of cottonseed meal, remaining in the original packages at Tucumcari, N. Mex., alleging that the article had been shipped by the Memphis Cotton Oil Co., Memphis, Tex., on November 8, 1927, and had been transported from the State of Texas into the State of New Mexico, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "43% Protein Cottonseed Meal, Prime Quality, Manufactured by Memphis Cotton Oil Company, Memphis, Texas, Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent."

It was alleged in the libel that the said sacks were misbranded and the contents thereof adulterated in that the said statements on the labels, regarding the chemical contents of the article, were false and misleading and intended and calculated to deceive, and did deceive the purchaser, in that a product containing less than 43 per cent of protein had been substituted for 43 per cent protein cottonseed meal, which the article purported to be.

On December 17, 1927, the Memphis Cotton Oil Co., Memphis, Tex., having appeared as claimant for the property and having admitted the allegations of the libel, a decree was entered finding that the product should be relabeled to show that it contained 40½ per cent of protein, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, conditioned in part that it be relabeled to show the true protein content.

W. M. JARDINE, *Secretary of Agriculture.*

15636. Adulteration of Brazil nuts. U. S. v. 25 Bags of Brazil Nuts. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22129. I. S. No. 20354-x. S. No. 179.)

On November 1, 1927, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 25 bags of Brazil nuts, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Wm. A. Higgins & Co., from New York, N. Y., on or about August 20, 1927, and had been transported from the State of New York into the State of Maryland, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On November 19, 1927, the Palmer Harvey Co., Baltimore, Md., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, conditioned in part that it not be disposed of until the nuts had been separated, picked, and reconditioned.

W. M. JARDINE, *Secretary of Agriculture.*

15637. Adulteration and misbranding of butter. U. S. v. Tremonton Dairy Products Co. Plea of guilty. Fine, \$50. (F. & D. No. 22536. I. S. Nos. 10931-x, 12793-x, 12795-x, 17202-x.)

On December 15, 1927, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Tremonton Dairy Products Co., a corporation, Tremonton, Utah, alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about March 24, March 29, July 9, July 12, and July 19, 1927, respectively, from the State of Utah into the State of California, of quantities of butter which was adulterated and misbranded. The article was labeled in part: "Tremonton Dairy Products Co. Tremonton, Utah, Butter."

It was alleged in the information that the article was adulterated in that a substance purporting to be butter, but which was not butter in that it contained less than 80 per cent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat as defined and required by law.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on the boxes containing the article, was false and misleading in that the said statement represented the said article to be butter, to wit, a product containing not less than 80 per cent by weight of milk fat as defined and required by law, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was butter, to wit, a product containing not less than 80 per cent by weight of milk fat, whereas, it was not butter in that it contained less than 80 per cent by weight of milk fat.

On January 4, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture.*

15638. Adulteration of figs. U. S. v. 25 Cases of Black Figs, et al. Default order of destruction entered. (F. & D. No. 22019. I. S. Nos. 17020-x, 17021-x. S. No. 53.)

On August 11, 1927, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 25 cases of black figs and 10 cases of white figs, remaining in the original unbroken packages at Ogden, Utah, consigned by Guggenlime & Co., Fresno, Calif., alleging that the article had been shipped from Fresno, Calif., on or about June 24, 1927, and had been transported from the State of California into the State of Utah, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Croesus Brand California Standard Black Figs, Guggenlime & Company, California," or "Daphne Brand California Choice White Figs * * * Guggenlime & Company."

It was alleged in the libel that the article was adulterated, in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On December 15, 1927, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15639. Adulteration and misbranding of canned corn. U. S. v. 246 Cases, et al., of Canned Corn. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22380. I. S. Nos. 19826-x, 19827-x, 19828-x. S. No. 446.)

On January 19, 1928, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 839 cases of canned corn, remaining in the original packages at Covington, Ky., consigned October 19, 1927, alleging that the article had been shipped by Carroon & Co., Fowler, Ind., and transported from the State of Indiana into the State of Kentucky, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled, in part, variously: "Recall Country Gentleman Sugar Corn, * * * Carroon and Company, Fowler, Ind.;" "Idyl Brand Country Gentleman Corn * * * Covington, Ky.;" or "Carroon's Fancy Country Gentleman Sugar Corn, Extra Selected, * * * Packed by Carroon & Company, Inc., Fowler, Ind."

It was alleged in the libel that the article was adulterated in that a substance, to wit, field corn, had been substituted in part for the article, and had been

mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statements, "Country Gentleman Sugar Corn," and "Country Gentleman Corn," borne on the respective labels, were false and misleading and deceived and misled the purchaser.

On February 1, 1928, Carroon & Co., Fowler, Ind., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,500, conditioned in part that it be relabeled under the supervision of this department, as follows, "Sugar Corn and Field Corn," the words "Recall Country Gentleman Sugar Corn," "Idyl Brand Country Gentleman Sugar Corn," and "Fancy Country Gentleman Sugar Corn, Extra Selected," not to appear on the labels of the said article as relabeled.

W. M. JARDINE, *Secretary of Agriculture.*

15640. Misbranding of linseed meal. U. S. v. 64 Bags of Linseed Meal.
Consent order of release entered. (F. & D. No. 22353. I. S. No. 20598-x. S. No. 413.)

On January 9, 1928, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 64 bags of linseed meal, remaining in the original unbroken packages at Millersburg, Pa., alleging that the article had been shipped by the Mann Bros. Co., from Buffalo, N. Y., on or about October 31, 1927, and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Guaranteed Analysis Min. Protein 34% * * * The Mann Brothers Co., Buffalo, N. Y. * * * Pure Old Process Linseed Meal."

It was alleged in the libel that the article was misbranded, in that the statement, "Guaranteed analysis min protein 34 percent," borne on the label, was false and misleading and deceived and misled the purchaser.

On January 16, 1928, the Millersburg Milling Co., Millersburg, Pa., claimant, having admitted the allegations of the libel and having consented that an order of condemnation and forfeiture be entered, a decree was entered ordering that the product be destroyed, said decree providing, however, that the claimant be allowed to relabel the product, with the understanding that it be relabeled, stating the protein content thereof, and that it not be sold or disposed of until examined by an inspector of this department and released by said inspector, all costs to be paid by the claimant.

W. M. JARDINE, *Secretary of Agriculture.*

15641. Adulteration of tomato pulp. U. S. v. 6431 Cans of Tomato Pulp.
Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22062. I. S. Nos. 13295-x, 13296-x. S. No. 88.)

On September 16, 1927, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6431 cans of tomato pulp, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Greencastle Canning Co., from Greencastle, Ind., in two consignments, on or about July 13 and July 15, 1927, respectively, and had been transported from the State of Indiana into the State of Maryland, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On January 14, 1928, the Greencastle Canning Co., Greencastle, Ind., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,500, conditioned in part that it be salvaged and reconditioned so as to conform with the law.

W. M. JARDINE, *Secretary of Agriculture.*

15642. Adulteration of fig paste. U. S. v. 300 Cases of Fig Paste. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22371. I. S. No. 17348-x. S. No. 422.)

On January 13, 1928, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 300 cases of fig paste, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Markarian Fig Gardens, from Fresno, Calif., on or about December 24, 1927, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Markarian's Fig Garden Brand Calimyrna Fig Paste Packed by Markarian Fig Gardens, Fresno, Calif."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On February 8, 1928, the Markarian Fig Gardens, Fresno, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned that it not be sold or otherwise disposed of contrary to law.

W. M. JARDINE, *Secretary of Agriculture.*

15643. Adulteration of scallops. U. S. v. 19 Gallons of Scallops. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22668. I. S. No. 21703-x. S. No. 670.)

On March 7, 1928, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 19 gallons of scallops, remaining in the original unbroken packages at Boston, Mass., consigned March 3, 1928, alleging that the article had been shipped by the Atlantic Coast Oyster Co., Wachapreague, Va., and had been transported from the State of Virginia into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that a certain substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

On March 28, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15644. Misbranding of cottonseed meal. U. S. v. 100 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22297. I. S. No. 23342-x. S. No. 353.)

On December 17, 1927, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 100 sacks of cottonseed meal, at Crawford, Nebr., alleging that the article had been shipped by the Traders Oil Mill Co., from Fort Worth, Tex., on or about December 9, 1927, and transported from the State of Texas into the State of Nebraska, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "43 per cent Protein Cottonseed Meal Prime Quality Manufactured by Oil Traders Mill Company, Fort Worth, Texas Guaranteed Analysis crude protein not less than 43 per cent."

It was alleged in the libel that the article was misbranded in that the statements, "43 per cent Protein" and "Crude protein not less than 43 per cent," borne on the label, were false and misleading and deceived and misled the purchaser.

On December 26, 1927, the Traders Oil Mill Co., Fort Worth, Tex., claimant, having admitted the allegations of the libel and having consented that judgment for the condemnation and forfeiture of the property be entered, a decree was entered finding the product misbranded, and ordering that it be released to the said claimant upon payment of the costs of the proceedings and the exe-

cution of a bond in the sum of \$1,000. conditioned that it not be sold until relabeled by obliterating the statements, "43 per cent Protein," and substituting therefor the true statements, "41 per cent protein."

W. M. JARDINE, *Secretary of Agriculture.*

15645. Adulteration of canned tomatoes. U. S. v. 447 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22003. I. S. No. 21177-x. S. No. 47.)

On August 8, 1927, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a district court, a libel praying seizure and condemnation of 447 cases of canned tomatoes, at Washington, D. C., alleging that the article had been shipped by Austin, Nichols & Co., from Baltimore, Md., on or about July 18, 1927, and had been transported from the State of Maryland into the District of Columbia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Pride of Talbot Brand * * * Tomatoes Packed by The Choptank Canning Co., Preston, Md."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On March 30, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15646. Misbranding of Norma. U. S. v. 11 Dozen Bottles of Norma. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22401. I. S. No. 19981-x. S. No. 480.)

On January 26, 1928, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 dozen bottles of Norma, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Norma Laboratories, Inc., from Albany, N. Y., on or about January 6, 1928, and transported from the State of New York into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a soluble phosphate, glycerin, water, a small amount of plant extractive matter, and red coloring matter. Pharmacological examination showed that it was not a vasomotor dilator.

It was alleged in the libel that the article was misbranded, in that the statements on the bottle label, "A Vaso Motor dilator. The action of 'Norma' is to relieve the strain on the arteries and blood vessels," regarding the curative and therapeutic effects of the said article, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 26, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15647. Adulteration and misbranding of butter. U. S. v. 6 Tubs of Butter. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22667. I. S. No. 20249-x. S. No. 677.)

On March 9, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Hope Lake Creamery Co., Litchfield, Minn., alleging that the article had been shipped from Litchfield, Minn., on or about March 5, 1928, and had been transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that a substance containing less than 80 per cent of butterfat had been substituted wholly or in part for the said article, and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength. Adulteration was

alleged for the further reason that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On March 24, 1928, the Hope Lake Creamery Co., Litchfield, Minn., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of all costs of the proceedings and the execution of a bond in the sum of \$300, conditioned in part that it be reconditioned under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15648. Misbranding of cottonseed meal. U. S. v. 300 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22334. I. S. No. 20092-x. S. No. 378.)

On December 28, 1927, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 300 sacks of cottonseed meal, remaining in the original unbroken packages at Holland, Pa., consigned by the Eastern Cotton Oil Co., Hertford, N. C., alleging that the article had been shipped from Hertford, N. C., on or about November 3, 1927, and transported from the State of North Carolina into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Dutch Maid Cottonseed Meal * * * Manufactured by Eastern Cotton Oil Company, Sales Office Norfolk, Virginia Guarantee Protein Not Less than 41% Equivalent to Ammonia 8%."

It was alleged in the libel that the article was misbranded, in that the statement, "Guarantee Protein Not Less than 41% Equivalent to Ammonia 8%," borne on the label, was false and misleading and deceived and misled purchasers, in that an analysis of a sample of the article showed it to be deficient in ammonia.

On January 11, 1928, the Eastern Cotton Oil Co., Hertford, N. C., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$600, conditioned in part that it be relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15649. Misbranding of Double O. U. S. v. 1 Dozen Large Size, et al., Bottles of Double O. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22344. I. S. No. 17344-x. S. No. 401.)

On or about January 5, 1928, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 dozen large-size and ½ dozen small-size bottles of Double O, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Red Star Laboratories Co., from Chicago, Ill., on or about November 30, 1927, and transported from the State of Illinois into the State of Oregon, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it contained resins such as those from buchu and copaiba, extracts from vegetable drugs, volatile oils, sugar, alcohol, and water.

It was alleged in the libel that the article was misbranded, in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular contained in shipping package) "Your most wonderful medicine 'Double O' of which I have taken for gonorrhea is certainly a marvel. * * * Our preparation is today recognized as the most dependable product in this line * * * until we entered the field nothing has been offered which invariably would bring the desired relief to those who need it in new as well as in chronic cases * * *" (carton) "An absolutely Safe Internal Medicine," (circular headed "Don't Let Them Fool You") "The medicine which is now known and acknowledged the best, the safest, and the most satisfactory in every

respect * * * Our duty to you—To supply you with the Best which experience and scientific knowledge can produce. Your duty to yourself—To regain your former status of health," (directions circular) "To secure satisfactory results it is absolutely necessary to continue the treatment without interruption. Stopping for a day or two may set the patient back to a former condition. It is advisable, even after it appears that everything is in order, to continue taking the medicine for a week or 10 days longer * * * Chronic Cases—The 'Double O' medicine contains particularly effective ingredients for old, neglected cases * * * it may take 3 or 4 bottles before satisfactory results are apparent. Safety: * * * The medicine may be used with perfect confidence."

On March 7, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15650. Adulteration of white figs. U. S. v. 25 Bags of Shredded White Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22093. I. S. No. 12963-x. S. No. 139.)

On October 12, 1927, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 25 bags of shredded white figs, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Sunland Sales Cooperative Assoc., from Fresno, Calif., September 22, 1927, and transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part as follows: "Shredded Figs, Calimyrna, California Peach & Fig Growers Association, Main Office, Fresno, California."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 12, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture*

INDEX TO NOTICES OF JUDGMENT 15601-15650

Alfalfa meal. <i>See</i> Feed.	N. J. No.
Apple chops:	
Denney Fruit Co-----	15613
Bakery products:	
cheese puffs—	
Pacific Coast Biscuit Co-----	15619
lemon snaps—	
Pacific Coast Biscuit Co-----	15619
sugar wafers—	
Pacific Coast Biscuit Co-----	15619
vanilla snaps—	
Pacific Coast Biscuit Co-----	15619
Brazil nuts. <i>See</i> Nuts.	
Butter:	
Hope Lake Creamery Co-----	15647
Portland Creamery Co-----	15629
Scandinavian Creamery Co-----	15611
Tremont Dairy Products	
Co-----	15637
Western Creamery Co-----	15621
Cheese puffs. <i>See</i> Bakery products.	
Chocolate coating:	
Massachusetts Chocolate Co--	15606
Corn, canned:	
Carroon & Co-----	15607, 15639
Cottonseed cake. <i>See</i> Feed.	
meal. <i>See</i> Feed.	
Double O:	
Red Star Laboratories Co-----	15649
Eggs:	
frozen—	
Williams, J. W-----	15622
Katz, Sam-----	15604
Egg whites, frozen:	
Augenblick, M., & Bros-----	15609
Feed:	
alfalfa meal—	
California Hawaiian Milling	
Co-----	15632
cottonseed cake—	
Quanah Cotton Oil Co-----	15634
Terminal Oil Mill Co-----	15608
meal—	
Eastern Cotton Oil Co--	15610, 15648
Home Oil Mills Co-----	15618
Memphis Cotton Oil Co-----	15635
Planters Oil Co-----	15628
Quanah Cotton Oil Co-----	15634
Traders Oil Mill Co-----	15612, 15614, 15644
linseed meal—	
Mann Bros. Co-----	15640
Fig bars:	
Mother's Cookie Co-----	15624
Old Mission Fig Bar Co-----	15624

Fig paste:	N. J. No.
Fair, R-----	15615
Markarian Fig Gardens-----	15642
Figs:	
Bonner Packing Co-----	15602
California Packing Corp-----	15602
California Peach & Fig	
Growers Assoc-----	15605, 15616, 15625, 15631, 15650
Duane Trading Co-----	15633
Garcia & Maggini Co-----	15626
Guggenlime & Co-----	15638
Rosenberg Bros. & Co-----	15603
Sunland Sales Cooperative	
Assoc-----	15605, 15616, 15625, 15631, 15650
Fish:	
tuna—	
De Bruyn, M., Importing Co-- ¹	15601
Lemon snaps. <i>See</i> Bakery products.	
Linseed meal. <i>See</i> Feed.	
Norma:	
Norma Laboratories-----	15646
Nuts:	
Higgins, Wm. A., & Co-----	15617
Brazil—	
Higgins, Wm. A., & Co-----	15636
Olive oil:	
Crisafulli, Leo-----	15627
DeConcillis, Thomas-----	15620
Oranges:	
Prevatt & Co-----	15623
Puffs, cheese:	
Pacific Coast Biscuit Co-----	15619
Scallops. <i>See</i> Shellfish.	
Shellfish:	
scallops—	
Atlantic Coast Oyster Co-----	15643
Potter, J. H., & Son-----	15630
Snaps:	
lemon—	
Pacific Coast Biscuit Co-----	15619
vanilla—	
Pacific Coast Biscuit Co-----	15619
Tomato pulp:	
Greencastle Canning Co-----	15641
Tomatoes, canned:	
Austin, Nichols & Co-----	15645
Choptank Canning Co-----	15645
Tuna fish. <i>See</i> Fish.	
Vanilla snaps. <i>See</i> Bakery products.	
Wafers, sugar:	
Pacific Coast Biscuit Co-----	15619

¹ Contains an opinion of the court.

United States Department of Agriculture

FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

15651—15700

[Approved by the Secretary of Agriculture, December 13, 1928, Washington, D. C.]

15651. Adulteration of scallops. U. S. v. 3 Boxes of Scallops. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. No. 22417. I. S. No. 21577-x. S. No. 451.)

On January 14, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3 boxes of scallops at New York, N. Y., alleging that the article had been shipped by the Brown, Lowe Co., Beaufort, N. C., on or about January 12, 1928, and transported from the State of North Carolina into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, water, had been mixed and packed with and substituted in part for scallops.

On January 28, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the portions of the product fit for human consumption be delivered to a charitable institution.

W. M. JARDINE, *Secretary of Agriculture.*

15652. Adulteration of dried figs. U. S. v. 1200 Boxes and 1200 Boxes of Dried Figs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21744. I. S. Nos. 75-x, 17001-x. S. No. E-6062.)

On or about March 22, 1927, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2,400 boxes of dried figs, remaining in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by Rosenberg Bros. & Co., from San Francisco, Calif., on or about February 21, 1927, and had been transported from the State of California into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 21, 1927, Rosenberg Bros. & Co., San Francisco, Calif., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimants, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$7,500, conditioned in part that it be relabeled, "Not For Human Consumption," and not be used for human consumption or for purposes other than distillation of alcohol and hog feed.

W. M. JARDINE, *Secretary of Agriculture.*

15653. Adulteration of scallops. U. S. v. 11 Gallons of Scallops. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22660. I. S. No. 21043-x. S. No. 608.)

On February 21, 1928, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 gallons of scallops, remaining in the original unbroken

packages at Boston, Mass., consigned about February 16, 1928, alleging that the article had been shipped by the Atlantic Coast Oyster Co., Wachapreague, Va., and transported from the State of Virginia into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, to wit, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and in that water had been substituted in part for the said article.

On March 2, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15654. Adulteration of canned cherries. U. S. v. 29 Cases of Canned Cherries. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22060. I. S. No. 20405-x. S. No. 100.)

On September 15, 1927, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 29 cases of canned cherries, remaining in the original unbroken packages at Easton, Md., alleging that the article had been shipped by G. C. Salter, from Victor, N. Y., August 10, 1927, and transported from the State of New York into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Pie Makers Special Red Sour Cherries. * * * Packed by The J. Salter Co., Manchester, N. Y."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On January 4, 1928, G. C. Salter having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$400, conditioned in part that it be reconditioned to meet the requirements of the law.

W. M. JARDINE, *Secretary of Agriculture.*

15655. Adulteration of apple butter. U. S. v. 30 Pails of Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22061. I. S. No. 21179-x. S. No. 101.)

On September 15, 1927, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 30 pails of apple butter, remaining in the original unbroken packages at Washington, D. C., consigned by Austin Nichols Co., from Brooklyn, N. Y., September 3, 1927, into the District of Columbia, alleging that the article was being offered for sale and sold in Washington, D. C., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Sunbeam Pure Apple Butter, Austin Nichols Co., Inc., New York, N. Y., Chicago, Ill."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On March 2, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15656. Misbranding and alleged adulteration of canned corn. U. S. v. 200 Cases, et al., of Canned Corn. Consent decree of condemnation entered. Product released under bond. (F. & D. Nos. 22395, 22413. I. S. Nos. 15976-x, 15977-x, 15978-x, 15979-x. S. Nos. 479, 502.)

On January 26 and 31, 1928, respectively, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 580 cases of canned corn, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by Carroon & Co., from Fowler, Ind., in part November 30, 1927, and in part December 3, 1927, and had been transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of

the food and drugs act. The article was labeled, variously: "Kosciuszko Brand Sweet Corn;" "Empire's Hawthorn Sweet Corn;" "Recall Country Gentleman Sugar Corn * * * Carroon & Co.;" "White City Brand Sweet Corn."

It was alleged in the libels that the article was adulterated in that a product, canned field corn, had been mixed and packed therewith, and in that a product, field corn, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Sweet Corn," "Sugar Corn," and "Country Gentleman Sugar Corn," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, that is, sweet corn, or sugar corn, whereas it was composed in whole or in part of field corn.

On February 24, 1928, the two cases having been consolidated into one cause of action, and Carroon & Co., Fowler, Ind., claimant, having admitted the allegations of the libel and consented to the entry of a decree of condemnation, judgment was entered finding the product misbranded, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned that it be relabeled in part, "Sugar Corn and Field Corn."

W. M. JARDINE, *Secretary of Agriculture.*

15657. Adulteration and alleged misbranding of butter. U. S. v. 15 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22687. I. S. No. 17732-x. S. No. 683.)

On or about March 8, 1928, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 15 boxes of butter, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Idahome Creamery Co., Preston, Idaho, alleging that the article had been shipped from Preston, Idaho, on or about February 28, 1928, and transported from the State of Idaho into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Idahome Cry. Co., Preston, Ida."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted for butter.

Misbranding was alleged for the reason that the statement "Butter" was false and misleading, as the article contained less than 80 per cent of milk fat.

On March 9, 1928, Joe Thorup, Los Angeles, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$350, conditioned in part that it be made to comply with the law under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15658. Adulteration of canned cherries. U. S. v. 375 Cases of Canned Cherries. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22389. I. S. No. 2949-x. S. No. 430.)

On January 21, 1928, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 375 cases of canned cherries at Kansas City, Kans., alleging that the articles had been shipped by the Fredonia Preserving Co., from Fredonia, N. Y., on or about August 9, 1927, and transported from the State of New York into the State of Kansas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Chautauqua Lake Brand Red Pitted Cherries, * * * Packed by Fredonia Preserving Co. Fredonia, N. Y."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On April 12, 1928, the Fredonia Preserving Co., Fredonia, N. Y., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was

ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, conditioned in part that it be salvaged and all the decomposed cherries be removed and destroyed, under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15659. Adulteration of canned cherries. U. S. v. 36 Cases of Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22695. I. S. No. 20330-x. S. No. 726.)

On April 3, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 36 cases of cherries, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped from Sodus, N. Y., on or about February 3, 1928, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Bespie * * * Packed by R. M. Mesler, Inc., Medina, N. Y. Red Sour Pitted Cold Packed Cherries."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On April 23, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15660. Adulteration of oranges. U. S. v. 41 Boxes of Oranges. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22514. I. S. No. 16922-x. S. No. 580.)

On or about February 15, 1928, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 41 boxes of oranges, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by S. J. Sligh & Co., from Orlando, Fla., and transported from the State of Florida into the State of Maryland, and charging adulteration in violation of the food and drugs act.

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance, which had been substituted wholly or in part for oranges.

On March 17, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15661. Adulteration of canned sweet potatoes. U. S. v. 236 Cases of Canned Sweet Potatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22262. I. S. No. 12929-x. S. No. 312.)

On December 5, 1927, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 236 cases of canned sweet potatoes, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the John W. Taylor Packing Co., Hallwood, Va., from Norfolk, Va., about October 5, 1927, and transported from the State of Virginia into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Max-I-Mum Brand Sweet Potatoes."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On January 17, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15662. Misbranding of cottonseed meal. U. S. v. 19 Tons of Cottonseed Meal. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22182. I. S. No. 11871-x. S. No. 231.)

On November 21, 1927, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 19 tons of cottonseed meal, remaining in the original unbroken packages at Thurmont, Md., alleging that the article had been shipped by R. N. Neal & Co., from Tiptonville, Tenn., on or about October 10, 1927, and had been transported from the State of Tennessee into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "41% * * * Triangle Brand Cotton Seed Meal Manufactured for R. N. Neal & Company Memphis, Tenn. Guaranteed Analysis Protein (Equivalent to 8% Ammonia) 41.00% Nitrogen 6.58%."

It was alleged in the libel that the article was misbranded in that the statements "41% (in triangle) * * * Guaranteed Analysis Protein (Equivalent to 8% Ammonia) 41.00% Nitrogen 6.58%," borne on the label, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On January 9, 1928, the Lake County Oil Mills, Tiptonville, Tenn., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, conditioned in part that it not be sold or disposed of until relabeled to conform with the law.

W. M. JARDINE, *Secretary of Agriculture.*

15663. Misbranding of catsup. U. S. v. 150 Cases of Catsup. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22485. I. S. No. 20239-x. S. No. 612.)

On February 25, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 150 cases of catsup, remaining in the original unbroken packages at Philadelphia, Pa., consigned by W. M. Harris & Sons Co., Wyoming, Del., alleging that the article had been shipped from Wyoming, Del., on or about February 16, 1928, and had been transported from the State of Delaware into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Harris Star Brand Catsup * * * Packed by W. M. Harris & Sons Co., Wyoming, Del."

Analysis of a sample of the article showed the presence of artificial coloring. It was alleged in the libel that the article was misbranded in that the designation on the label, "Catsup," was false and misleading and deceived and misled the purchaser.

On March 15, 1928, the W. M. Harris & Sons Co., Wyoming, Del., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$600, conditioned in part that it not be sold or otherwise disposed of contrary to law, and be relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15664. Misbranding of cottonseed meal. U. S. v. 500 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22187. I. S. No. 19207-x. S. No. 229.)

On or about November 26, 1927, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 500 sacks of cottonseed meal at Winooski, Vt., alleging that the article had been shipped by Humphreys Godwin Co., from Uniontown, Ala., November 10, 1927, and transported from the State of Alabama into the State of Vermont, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "The Dixie Brand Cottonseed Meal Choice Prime * * * Guaranteed Analysis Minimum Protein 41.12%. Guaranteed by Humphreys Godwin Company, Memphis, Tenn."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Protein 41.12%," was false and misleading and deceived and misled the purchaser.

On January 4, 1928, the Humphreys Godwin Co., Memphis, Tenn., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it not be sold or otherwise disposed of contrary to law.

W. M. JARDINE, *Secretary of Agriculture.*

15665. Adulteration of figs. U. S. v. 18 Bags of Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21938. I. S. No. 17276-x. S. No. W-2153.)

On May 27, 1927, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 18 bags of figs, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the J. P. Hynes Packing Co. from Oakland, Calif., March 14, 1927, and had been transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Fancy White Figs Nun Gim."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On June 22, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15666. Adulteration of fig paste. U. S. v. 115 Cases of Fig Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22155. I. S. No. 12973-x. S. No. 211.)

On November 12, 1927, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 115 cases of fig paste, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by R. Fair, from Oakland, Calif., October 14, 1927, and transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "The Pacific Coast Biscuit Company, Seattle, Washn.;" "Prepared with Sulphur Dioxide * * * Calimyrna Figs Paste."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On January 17, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15667. Adulteration of figs. U. S. v. 50 Boxes and 75 Boxes of Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22286. I. S. Nos. 17559-x, 17560-x. S. No. 330.)

On December 14, 1927, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 125 boxes of figs, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Lekas and Drivas, from New York, N. Y., to Los Angeles, Calif., and reshipped to Seattle, Wash., on October 30, 1927, and December 1, 1927, respectively, and had been transported from the State of New York into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Order of Lekas & Drivas * * * L. & D. New York. Calamata. Product of Greece Choice Figs Crosses 24;" or "Choice Calamata Figs. Crop 1927 Order of Lekas & Drivas, * * * L. & D., New York. Product of Greece. Lekas & Drivas, Calamata."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On January 17, 1928, all parties having or claiming an interest in the product being in default, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15668. Adulteration of figs. U. S. v. 49 Cases of Mission Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22162. I. S. No. 17313-x. S. No. 207.)

On November 14, 1927, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 49 cases of Mission figs, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Sunland Sales Cooperative Assoc., from Fresno, Calif., October 22, 1927, and transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Blue Ribbon Brand Choice Mission Figs Produced and Packed By California Peach and Fig Growers Main Office Fresno, California."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On January 17, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15669. Adulteration and misbranding of butter. U. S. v. 45 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22683. I. S. Nos. 20242-x, 20243-x. S. No. 654.)

On March 3, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 45 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Madison Cooperative Creamery Assoc., Madison, Minn., alleging that the article had been shipped from Madison, Minn., on or about February 23, 1928, and had been transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent of butterfat had been substituted wholly or in part for the said article, and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and in that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On March 9, 1928, the Madison Cooperative Creamery Assoc., Madison, Minn., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, conditioned in part that it be reconditioned under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15670. Adulteration of frozen eggs. U. S. v. 90 Cans of Frozen Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22504. I. S. No. 20955-x. S. No. 626.)

On March 5, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 90 cans of frozen eggs, remaining in the original unbroken packages at New York, N. Y., consigned about February 23, 1928, alleging that the article had been shipped by Swift & Co., from Jersey City, N. J., and transported from the State of New Jersey into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance, to wit, decomposed eggs.

On March 31, 1928, Swift & Co., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,200, conditioned in part that the good portion be separated from the bad portion and the latter destroyed or denatured.

W. M. JARDINE, *Secretary of Agriculture.*

15671. Adulteration and misbranding of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22663. I. S. No. 24380-x. S. No. 634.)

On March 2, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Portland Creamery Co., from Portland, N. Dak., on or about February 20, 1928, and transported from the State of North Dakota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On March 8, 1928, the Portland Creamery Co., Portland, N. Dak., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, conditioned in part that it be reworked so as to contain at least 80 per cent of butterfat.

W. M. JARDINE, *Secretary of Agriculture.*

15672. Adulteration of figs. U. S. v. 37 Cases of Dried Figs, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 22368, 22369, 22370, 22377. I. S. Nos. 17685-x, 17686-x, 17687-x, 17688-x, 17689-x, 17692-x, 17693-x. S. Nos. 423, 434, 445.)

On January 11, 12, and 17, 1928, respectively, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 92 cases of figs, remaining in the original unbroken packages at San Francisco, Calif., consigned by Lekas & Drivas, New York, N. Y., in part October 10, 1927, and in part October 11, 1927, alleging that the article had been shipped in interstate commerce from New York, N. Y., into the State of California, and charging adulteration in violation of the food and drugs act. The articles were labeled, in part, variously: "Product of Greece L. & D. New York Choice Calamata Figs Crop 1927 Lekas & Drivas Calamata;" "Choice Cross Figs Crosses * * * Lekas & Drivas Calamata;" "Choice Cross Figs Crosses * * * L. & D. New York;" "Choice Calamata Figs Crop 1927 Calamata Order of Lekas and Drivas;" "Product of Greece * * * Crosses L. & D. New York Choice Calamata Figs 1927 Crop Lekas & Drivas;" "Calamata Figs Crop 1927 Product of Greece Lekas & Drivas New York;" "Product of Greece * * * Lekas & Drivas New York."

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On April 9, 1928, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15673. Adulteration and alleged misbranding of butter. U. S. v. 54 Boxes of Butter, et al. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 22665, 22666, 22689. I. S. Nos. 17730-x, 17731-x, 17797-x. S. Nos. 668, 679, 698.)

On or about March 1, 6, and 13, 1928, respectively, the United States attorney for the Southern District of California, acting upon reports by the Secretary

of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 135 boxes of butter, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Delta Valley Creamery Co., Delta, Utah, alleging that the article had been shipped in interstate commerce from Delta, Utah, into the State of California, in various consignments, on or about February 25, February 28, and March 6, 1928, respectively, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted for butter.

Misbranding was alleged with respect to a portion of the product for the reason that the statement "Butter" was false and misleading, as the article contained less than 80 per cent of milk fat. Misbranding was alleged with respect to the remainder of the product in that a product consisting of butter and water had been substituted for butter and in that the statement "Butter" was false and misleading, as the article contained less than 80 per cent of milk fat.

On March 5, 6, and 14, 1928, respectively, the Delta Valley Creamery Co., Delta, Utah, claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments were entered finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds totaling \$2,500, conditioned in part that it be reconditioned under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15674. Adulteration of dried figs. U. S. v. 46 Cases of Dried Figs, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22372. I. S. Nos. 17690-x, 17691-x. S. No. 440.)

On January 13, 1928, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 45 cases of dried figs, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce from New York, N. Y., into the State of California, on or about October 10, 1927, and charging adulteration in violation of the food and drugs act. The product was labeled in part: "P J S San Francisco Extra String Figs Grown in Greece P. J. Spiropoulos Kalamata Crop 1927" and "Selected Cross Figs Crop 1927 Grown in Greece P. J. Spiropoulos Calamata."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On April 9, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15675. Adulteration of muffin figs. U. S. v. 30½ Cases, et al., of Muffin Figs. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 22385, 22386. I. S. Nos. 13155-x, 13156-x, 13157-x. S. Nos. 460, 461.)

On January 23, 1928, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 65½ cases of muffin figs, remaining in the original unbroken packages at Denver, Colo., consigned by the Sunland Sales Cooperative Assoc., Fresno, Calif., alleging that the article had been shipped from Fresno, Calif., in various lots, on or about November 11, 27, and 28 and December 27, 1927, respectively, and transported from the State of California into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Blue Ribbon Brand Muffin Figs Produced and Packed by California Peach and Fig Growers Association. * * * Fresno, Calif."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On April 4 and 5, 1928, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15676. Adulteration and misbranding of feed. U. S. v. International Sugar Feed No. Two Co. Plea of guilty. Fine, \$300 and costs. (F. & D. No. 22519. I. S. Nos. 8532-x, 8533-x.)

On October 3, 1927, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the International Sugar Feed No. Two Co., a corporation, trading at Memphis, Tenn., alleging shipment by said company, in violation of the food and drugs act, on or about April 17, 1926, and May 5, 1926, from the State of Tennessee into the State of Kentucky, of quantities of hog feed and dairy feed, respectively, which were adulterated and misbranded. The articles were labeled in part, respectively: (Tags) "International Makmeat Hog Feed Made By International Sugar Feed No. Two Co., Memphis, Tenn. Guaranteed Analysis Protein 15.00 per cent * * * Made From: Digester Tankage, Linseed Oil Meal, Red Dog Flour, Corn Gluten Feed, Wheat Bran, Wheat Shorts, Rice Bran, Corn Feed Meal, 25% Ground and Bolted Wheat Screenings containing 10% Weed Seeds, Salt $\frac{1}{2}\%$," and "International Special Dairy Feed Made By International Sugar Feed No. Two Co., Memphis, Tenn. Guaranteed Analysis: Protein 15.00 per cent * * * Made From: Cottonseed Meal, Clipped Oat By-Product 15%, 35% Ground and Bolted, Wheat Screenings containing 10% Weed Seeds, Molasses, Linseed Oil Meal, Corn Gluten Feed, Wheat Bran, Salt $\frac{1}{2}\%$."

It was alleged in the information that the said "Makmeat" hog feed was adulterated in that a feed containing less than 15 per cent of protein and containing little, if any, red dog flour and corn gluten feed and containing only a trace of linseed oil meal had been substituted for the above-described article, which it purported to be. Adulteration of the "International Special" dairy feed was alleged for the reason that a feed containing less than 15 per cent of protein and containing no corn gluten feed and containing undeclared substances, to wit, rice bran and corn feed meal, had been substituted for the above-described article, which it purported to be.

Misbranding of the said hog feed was alleged for the reason that the statements, to wit, "Guaranteed Analysis Protein 15.00 per cent * * * Made From: * * * Linseed Oil Meal, Red Dog Flour, Corn Gluten Feed," borne on the label, were false and misleading in that they represented that the article contained 15 per cent of protein and contained a substantial amount of linseed oil meal, red dog flour, and corn gluten feed, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 15 per cent of protein and contained a substantial amount of linseed oil meal, red dog flour, and corn gluten feed, whereas it contained less than 15 per cent of the protein and contained only a trace of linseed oil meal and little, if any, red dog flour and corn gluten feed. Misbranding of the said dairy feed was alleged for the reason that the statements, to wit, "Guaranteed Analysis Protein 15.00 per cent * * * Made From Corn Gluten Feed," borne on the label, were false and misleading in that they represented that the article contained 15 per cent of protein and contained corn gluten feed, whereas the article contained less than 15 per cent of protein and did not contain corn gluten feed; for the further reason that the said statements were borne on the label so as to deceive and mislead the purchaser into the belief that the article contained 15 per cent of protein, and contained corn gluten feed and contained no rice bran and corn feed meal, whereas the article contained less than 15 per cent of protein and did not contain corn gluten feed and did contain rice bran and corn feed meal; and for the further reason that the said statements borne on the tags attached to the sacks containing the article were false and misleading in that they did not include rice bran and corn feed meal, which were present in the article.

On April 2, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$300 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

15677. Adulteration of canned cherries. U. S. v. 37 Cases of Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22096. I. S. No. 16313-x. S. No. 137.)

On or about October 19, 1927, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 37 cases of cherries at Richmond, Va., alleging that the article had been shipped by the Holley Canning Co., Holley, N. Y.,

August 9, 1927, and transported from the State of New York into the State of Virginia, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that in consisted in part of a filthy, decomposed, and putrid vegetable substance.

On April 2, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15678. Misbranding and alleged adulteration of vinegar. U. S. v. 14% Cases of Vinegar. Decree of condemnation entered. Product released under bond. (F. & D. No. 22430. I. S. No. 19911-x. S. No. 516.)

On February 8, 1928, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 14% cases of vinegar at Springfield, Ill., alleging that the article had been shipped from the David G. Evans Coffee Co., St. Louis, Mo., on or about January 11, 1928, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Evans Anchor Brand Reduced Apple Vinegar 40 Grain One Pint Packed by David G. Evans Coffee Co., St. Louis, Mo."

It was alleged in the libel that the article was adulterated in that an acid product other than apple vinegar and a substance high in sulphates had been mixed and packed with and substituted in part for the article.

Misbranding was alleged for the reason that the statement "Reduced Apple Vinegar" was false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On March 16, 1928, the National Vinegar Co., St. Louis, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of the court was entered finding the product misbranded and ordering its condemnation, and it was further ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$150, conditioned in part that it be relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15679. Misbranding and alleged adulteration of vinegar. U. S. v. 30 Cases of Vinegar. Decree of condemnation entered. Product released under bond. (F. & D. No. 22451. I. S. No. 19916-x. S. No. 518.)

On or about February 11, 1928, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 30 cases of vinegar at Springfield, Ill., alleging that the article had been shipped from the Evans-Rich Mfg. Co., St. Louis, Mo., on or about November 2, 1927, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Triangle Brand One Pint Reduced Cider Vinegar Evans-Rich Mfg. Co., St. Louis, Mo. Distributors."

It was alleged in the libel that the article was adulterated in that a vinegar made from evaporated apple product had been mixed and packed with and substituted in part for the article.

Misbranding was alleged for the reason that the statement on the bottle label, "Reduced Cider Vinegar," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On March 16, 1928, the National Vinegar Co., St. Louis, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of the court was entered finding the product misbranded and ordering its condemnation, and it was further ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, conditioned in part that it be relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15680. Misbranding and alleged adulteration of vinegar. U. S. v. 10 Cases, et al., of Vinegar. Decrees of condemnation entered. Product released under bond. (F. & D. Nos. 22488, 22491. I. S. Nos. 19991-x, 19996-x. S. Nos. 577, 604.)

On February 28, and March 2, 1928, respectively, the United States attorney for the Southern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 30 cases of vinegar, in part at Taylorville, Ill., and in part at Decatur, Ill., alleging that the article had been shipped from the Southern Mfg. Co., St. Louis, Mo., in part on or about October 14, 1927, and in part on or about January 10, 1928, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled, in part: "Diamond Crown Brand Reduced Cider Vinegar." The remainder of the said article was labeled in part: "Golden West Brand Corn Sugar Vinegar 40 Grain Strength * * * Packed & Guaranteed By Southern Manufacturing Co. St. Louis, Mo."

Adulteration was alleged in the libel with respect to the "Diamond Crown" brand vinegar for the reason that a vinegar made from evaporated apple products had been mixed and packed with and substituted in part for the article. Adulteration was alleged with respect to the "Golden West" brand for the reason that distilled vinegar had been mixed and packed with and substituted in part for the article.

Misbranding was alleged for the reason that the statements "Cider Vinegar," with respect to the "Diamond Crown" brand, and "Corn Sugar Vinegar 40 Grain Strength," with respect to the "Golden West" brand, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On March 16, 1928, the National Vinegar Co., St. Louis, Mo., having appeared as claimant for the property and having consented to the entry of decrees, judgments of the court were entered finding the product misbranded and ordering its condemnation, and it was further ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds totaling \$300, conditioned in part that it be relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15681. Misbranding and alleged adulteration of vinegar. U. S. v. 3 Barrels, et al., of Vinegar. Decrees of condemnation entered. Product released under bond. (F. & D. Nos. 22424, 22425, 22426, 22427, 22431. I. S. Nos. 19907-x, 19913-x, 19918-x, 19920-x, 19921-x. S. Nos. 513, 514, 517, 524.)

On February 8 and 28, 1928, respectively, the United States attorney for the Southern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 158 barrels and 5 kegs of vinegar, in part at Springfield, Ill., and in part at Pana, Ill., alleging that the article had been shipped from the National Vinegar Co., St. Louis, Mo., in various consignments, on or about October 31, December 15, and December 22, 1927, respectively, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled, in part, variously: "Golden Rule Brand * * * Cider Vinegar Reduced to 4 Percent;" "Cider Vinegar reduced to 4 per cent St. Louis;" "Cider Vinegar Reduced to 4 Percent Elk Brand;" "Evaporated Apple Vinegar Reduced to 4 Percent."

Adulteration was alleged in the libels with respect to the so-called cider vinegar, for the reason that a vinegar from evaporated or dried apple product had been mixed and packed with and substituted in part for the article. Adulteration was alleged with respect to the so-called evaporated apple vinegar for the reason that an acid product other than evaporated apple vinegar had been mixed and packed with and substituted in part for the article.

Misbranding was alleged for the reason that the statements "Cider Vinegar" or "Evaporated Apple Vinegar," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On March 16, 1928, the National Vinegar Co., St. Louis, Mo., having appeared as claimant for the property and having consented to the entry of decrees, judg-

ments of the court were entered finding the product misbranded and ordering its condemnation, and it was further ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds totaling \$2,660, conditioned in part that it should not be disposed of contrary to the law.

W. M. JARDINE, *Secretary of Agriculture.*

15682. Adulteration and misbranding of butter. U. S. v. 17 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22710. I. S. No. 24433-x. S. No. 696.)

On March 17, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 17 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by McVeans Creamery Co., Butler, Mo., on or about March 13, 1928, and transported from the State of Missouri into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On March 29, 1928, M. J. McVean, trading as McVeans Creamery, Butler, Mo., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$550, conditioned in part that it be reworked so as to contain at least 80 per cent of butterfat.

W. M. JARDINE, *Secretary of Agriculture.*

15683. Misbranding of cottonseed meal. U. S. v. 40 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22332. I. S. No. 23358-x. S. No. 381.)

On December 29, 1927, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 40 sacks of cottonseed meal, remaining in the original unbroken packages at Worland, Wyo., alleging that the article had been shipped by the Planters Cottonseed Products Co., from Dallas, Texas, on or about December 16, 1927, and had been transported from the State of Texas into the State of Wyoming, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Golden Rod 43 per cent protein Cottonseed Meal Prime Quality Manufactured by Planters Cottonseed Products Company, Dallas, Texas. Guaranteed Analysis Crude Protein Not Less than 43 per cent."

It was alleged in substance in the libel that the article was misbranded in that the label contained a statement that the contents of each of the said sacks contained 43 per cent of protein, which statement was false and misleading and deceived and misled the purchaser, in that the article contained less than 43 per cent of protein.

On January 19, 1928, the Planters Cottonseed Products Co., Dallas, Texas, having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of not less than \$500, conditioned in part that it be relabeled to show the true contents.

W. M. JARDINE, *Secretary of Agriculture.*

15684. Misbranding of 999 Nerve Tonic. U. S. v. 21 Packages of 999 Nerve Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22354. I. S. No. 14194-x. S. No. 397.)

On January 9, 1928, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure

and condemnation of 21 packages of 999 Nerve Tonic at Memphis, Tenn., alleging that the article had been shipped by the Combination Remedy Co., from Pittsburgh, Pa., on or about November 28, 1927, and transported from the State of Pennsylvania into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Packages) "999 Nerve Tonic;" (box) "Nerve Tonic. The Ingredients from which these capsules are compounded have been used and prescribed for years for rundown systems and nervous disorders;" (display carton) "999 Nerve Tonic Means Pep Vim Vigor 999 Nerve Tonic is a high class remedy for anyone with that tired, rundown feeling. It is especially suited for those cases, where the person doesn't have the pep they think they should have."

Analysis of a sample by this department showed that the article consisted of capsules containing zinc phosphide, calcium sulphate, and extracts of nuxvomica and damiana.

It was alleged in the libel that the article was misbranded in that the statements regarding the curative or therapeutic effects of the said article were false and fraudulent, as it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 24, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15685. Adulteration and misbranding of tomato paste. U. S. v. 295 Cases of Tomato Paste. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22631. I. S. No. 23421-x. S. No. 664.)

On March 10, 1928, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 295 cases of tomato paste, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by La Sierra Heights Canning Co., Los Angeles, Calif., in part on or about December 16, 1927, and in part on or about December 29, 1927, and transported from the State of California into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cans) "Naples Style Tomato Paste with Sweet Basilico Giardiniera Brand * * * Packed by La Sierra Canning Co., Arlington, Cal."

It was alleged in the libel that the article was adulterated in that an artificially colored tomato paste had been mixed and packed with and substituted wholly or in part for the article.

Misbranding was alleged for the reason that the designation "Tomato Paste" was false and misleading and deceived and misled the purchaser.

On March 14, 1928, La Sierra Heights Canning Co., Los Angeles, Calif., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,500, conditioned in part that it be relabeled "Artificially Colored," and not be used, sold, or disposed of without being inspected by a representative of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15686. Misbranding of olive oil. U. S. v. 24 Gallon Cans and 24 Half-Gallon Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22501. I. S. No. 17473-x. S. No. 621.)

On or about March 3, 1928, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 24 gallon cans and 24 half-gallon cans of olive oil, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by D. F. DeBernardi & Co., from San Francisco, Calif., on or about October 25, 1927, and transported from the State of California into the State of Oregon, and charging misbranding in violation of the food and drugs

act as amended. The article was labeled in part: "Oliva D'Oliva Vergine Extra-fino La Viola Brand Oil D. F. Debco Net Contents One Gallon" (or "Net Contents Half-Gallon")

It was alleged in the libel that the article was misbranded in that the statement "Net Contents One Gallon," or "Net Contents one-half Gallon," borne on the labels, was false and misleading and deceived and misled purchasers, and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On April 3, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15687. Adulteration of frozen whole eggs. U. S. v. 1049 Cans of Frozen Whole Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22610. I. S. Nos. 20957-x, 20959-x, 20960-x. S. No. 639.)

On March 8, 1928, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1,049 cans of frozen whole eggs at Jersey City, N. J., alleging that the article had been shipped by Swift & Co., in part from Chicago, Ill., and in part from Hutchinson, Kans., on or about February 15, 1928, and had been transported from the States of Illinois and Kansas, respectively, into the State of New Jersey, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Brookfield Frozen Eggs * * * Swift & Company * * * Chicago."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On March 26, 1928, Swift & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$14,500, conditioned in part that it be salvaged by separating the good eggs from the bad and destroying or denaturing the latter.

W. M. JARDINE, *Secretary of Agriculture.*

15688. Adulteration of butter. U. S. v. 10 Tubs of Butter. Decree of condemnation and forfeiture entered. Product released upon deposit of collateral. (F. & D. No. 22662. I. S. No. 21064-x. S. No. 575.)

On February 10, 1928, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned about February 2, 1928, alleging that the article had been shipped by the Goose River Creamery Co., Hillsboro, N. Dak., and had been transported from the State of North Dakota into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent by weight of milk fat had been substituted in whole or in part for butter, which the said article purported to be, the act of March 4, 1923, providing that butter shall contain not less than 80 per cent by weight of milk fat.

On February 14, 1928, the Goose River Creamery Co., Inc., Hillsboro, N. Dak., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the deposit of \$300, in lieu of bond, conditioned in part that it be reworked so as to contain at least 80 per cent of butterfat.

W. M. JARDINE, *Secretary of Agriculture.*

15689. Adulteration of sour pitted cherries. U. S. v. 172 Cases of Red Sour Pitted Cherries. Product ordered released under bond to be reconditioned. (F. & D. No. 22290. I. S. No. 18081-x. S. No. 341.)

On December 15, 1927, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the District

Court of the United States for said district a libel praying seizure and condemnation of 172 cases of Red Ring Brand red sour pitted cherries, remaining in the original unbroken packages at Chamberlain, S. Dak., alleging that the article had been shipped by the Comstock Canneries Inc., Newark, N. Y., on or about August 17, 1927, and transported from the State of New York into the State of South Dakota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Red Ring Brand Red Sour Pitted Cherries Guaranteed and Distributed by Comstock Canneries, Inc. General Offices, Newark, N. Y."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 16, 1928, the Comstock Canneries, Inc., Newark, N. Y., having appeared as claimant for the property, a decree was entered ordering that the product be delivered to the said claimant at Newark, N. Y., upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,400, conditioned in part that it be reconditioned under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15690. Adulteration of frozen whole eggs. U. S. v. 416 Crates of Canned Frozen Whole Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22611. I. S. No. 20958-x. S. No. 638.)

On or about March 10, 1928, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 416 crates of canned frozen whole eggs at Jersey City, N. J., alleging that the article had been shipped by the Utah Ice & Storage Co., Salt Lake City, Utah, on or about February 10, 1928, and transported from the State of Utah into the State of New Jersey, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Stencil on can) "Brookfield Frozen Eggs * * * Swift & Company * * * Chicago."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance.

On March 26, 1928, Swift & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$11,000, conditioned in part that it be salvaged by separating the good eggs from the bad and destroying or denaturing the latter.

W. M. JARDINE, *Secretary of Agriculture.*

15691. Adulteration and alleged misbranding of black pepper. U. S. v. 3 Barrels of Black Pepper. Product ordered released under bond. (F. & D. No. 22378. I. S. No. 1900-x. S. No. 447.)

On or about January 18, 1928, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3 barrels of black pepper, remaining in the original unbroken packages at Evansville, Ind., alleging that the article had been shipped by the Biston Coffee Co., from East St. Louis, Ill., on or about January 10, 1928, and transported from the State of Illinois into the State of Indiana, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a corn product and a substance high in crude fiber had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for black pepper.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On April 9, 1928, the Biston Coffee Co., St. Louis, Mo., claimant, having admitted that the product was adulterated and having paid the costs of the proceedings and executed a bond in the sum of \$662.90 to the effect that it would not be sold or otherwise disposed of contrary to the food and drugs act, it was ordered by the court that the product be delivered to the claimant.

W. M. JARDINE, *Secretary of Agriculture.*

15692. Misbranding of butter. U. S. v. 25 Cases of Butter. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22661. I. S. No. 23285-x. S. No. 625.)

On or about February 15, 1928, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 25 cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Sunlight Produce Co., Neosho, Mo., on or about January 30, 1928, and transported from the State of Missouri into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "One Pound Net Sunlight Creamery Butter."

It was alleged in the libel that the article was short in weight and was misbranded, in that the statement, "One Pound Net," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 24, 1928, the Sunlight Produce Co., Neosho, Mo., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$700, conditioned in part that it be reshipped to the claimant to be reworked and reconditioned in compliance with the law, and not be sold or disposed of until inspected by a representative of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15693. Adulteration and misbranding of butter. U. S. v. 10 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22716. I. S. No. 24387-x. S. No. 724.)

On March 29, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 cubes of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Mutual Creamery Co., Grand Junction, Colo., on or about March 15, 1928, and transported from the State of Colorado into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On April 11, 1928, the Mutual Creamery Co., Grand Junction, Colo., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$400, conditioned in part that it be reworked so as to contain at least 80 per cent of butterfat.

W. M. JARDINE, *Secretary of Agriculture.*

15694. Adulteration and misbranding of butter. U. S. v. Golden State Milk Products Co. Plea of guilty. Fine, \$400. (F. & D. No. 22537. I. S. Nos. 11087-x, 11088-x, 11089-x, 11090-x, 12826-x, 12827-x, 12829-x, 12830-x, 12131-x, 12832-x, 12833-x, 12834-x, 12835-x, 12836-x, 12838-x, 12839-x, 11712-x.)

At the January, 1928, term of the United States District Court within and for the Southern District of California the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the District Court aforesaid an information against the Golden State Milk Products Co., a corporation, El Centro, Calif., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, between the dates of September 30, 1926, and April 21, 1927, from the State of California into the States of Arizona, New Mexico, and Texas, of quantities of butter which was misbranded and a portion of which was also adulterated. The article was labeled in part: (Carton) "Golden State Brand Butter Packed

and Distributed by Golden State Milk Products Company * * * San Francisco * * * Net Weight 1 Pound."

Adulteration was alleged in the information with respect to a portion of the product for the reason that a substance purporting to be butter, but which was not butter, in that it contained less than 80 per cent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat as required by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement "Net Weight 1 Pound," borne on the packages containing the article, and the statement "Butter," borne on a portion of the said packages, were false and misleading in that the said statements represented that the packages each contained 1 pound of the article and that the article contained therein was butter, to wit, an article containing not less than 80 per cent by weight of milk fat as required by law, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the packages each contained 1 pound of the article and that the article contained therein was butter, to wit, an article containing not less than 80 per cent by weight of milk fat as required by law, whereas each of a number of said packages contained less than 1 pound of the article and a portion of the said article contained less than 80 per cent by weight of milk fat. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 2, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$400.

W. M. JARDINE, *Secretary of Agriculture.*

15695. Adulteration and misbranding of cottonseed meal and cottonseed feed. U. S. v. Americus Oil Co. Plea of nolo contendere. Fine, \$100. (F. & D. No. 19784. I. S. Nos. 6561-x, 6567-x, 6609-x, 6611-x, 6663-x, 6666-x.)

On June 4, 1927, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Americus Oil Co., a corporation, Americus, Ga., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about September 12, September 30, October 9, October 16, December 31, 1925, and January 1, 1926, respectively, from the State of Georgia into the State of Florida, of quantities of cottonseed meal, second-class cottonseed meal, and cottonseed feed which were adulterated and misbranded. The so-called cottonseed meal was labeled in part: "Guaranteed Analysis Ammonia 7.00%, Protein 36.00%, Fat—not less than 5.50% * * * Fibre—not more than 12.50% * * * Mfd. By Americus Oil Co. Americus, Ga." The so-called second-class cottonseed meal was labeled in part: "Bright Second Class Cotton Seed Meal * * * Guaranteed Analysis Ammonia (actual and potential) 7.00% (Equivalent 36% protein)." The cottonseed feed was labeled in part: "Guaranteed Analysis Protein 36.00% * * * Nitrogen 5.75%, Fibre 14.00%," and was billed as cottonseed meal and invoiced as prime 36 per cent protein cottonseed meal.

Adulteration was alleged in the information with respect to the cottonseed meal in that a cottonseed feed deficient in protein (ammonia) and fat and containing excessive fiber had been substituted for cottonseed meal, labeled as aforesaid.

Misbranding of the said cottonseed meal was alleged for the reason that the statements, to wit, "Cotton Seed Meal Guaranteed Analysis Ammonia 7.00%, Protein 36.00%, Fat—not less than 5.50%, Fibre—not more than 12.50%," borne on the label, were false and misleading, in that the said statements represented that the article was cottonseed meal containing 7 per cent of ammonia and 36 per cent of protein, and not less than 5.50 per cent of fat and not more than 12.50 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was cottonseed meal containing the declared amounts of ammonia, protein, fat, and fiber, whereas it was not, but was a cottonseed feed containing less than 7 per cent of ammonia, less than 36 per cent of protein, less than 5.50 per cent of fat, and more than 12.50 per cent of fiber.

Adulteration of the second-class cottonseed meal was alleged for the reason that a cottonseed feed, an article containing less than 7 per cent of ammonia, the equivalent of 36 per cent of protein, had been substituted for second-class cottonseed meal, labeled as aforesaid.

Misbranding of the said second-class cottonseed meal was alleged for the reason that the statements, to wit, "Second Class Cotton Seed Meal * * * Guaranteed Analysis Ammonia (actual and potential) 7.00% (Equivalent 36% protein)," borne on the label, were false and misleading, in that the said statements represented that the article was second-class cottonseed meal containing 7 per cent of ammonia, the equivalent of 36 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was second-class cottonseed meal containing 7 per cent of ammonia, equivalent to 36 per cent of protein, whereas it was not, but was a cottonseed feed containing less than 7 per cent of ammonia, the equivalent of 36 per cent of protein.

Adulteration of the cottonseed feed was alleged for the reason that a cottonseed feed deficient in protein (nitrogen) and containing excessive fiber had been substituted for an article billed, labeled, and invoiced as aforesaid.

Misbranding of the said cottonseed feed was alleged for the reason that the statements, to wit, "Guaranteed Analysis Protein 36.00%, * * * Nitrogen 5.75%, Fibre 14.00%," borne on the label, were false and misleading in that the said statements represented that the article contained 36 per cent of protein, 5.75 per cent of nitrogen, and 14 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 36 per cent of protein, 5.75 per cent of nitrogen, and 14 per cent of fiber, whereas it contained less than 36 per cent of protein, less than 5.75 per cent of nitrogen, and more than 14 per cent of fiber.

Misbranding was alleged with respect to the articles for the further reason that they were offered for sale under the distinctive name of another article, to wit, cottonseed meal, which they purported to be but were not.

On February 13, 1928, a plea of *nolo contendere* to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

W. M. JARDINE, *Secretary of Agriculture*.

15696. Adulteration and misbranding of butter. U. S. v. Cordele Creamery & Cold Storage Co. Plea of *nolo contendere*. Fine, \$50. (F. & D. No. 22534. I. S. No. 13615-x.)

On December 23, 1927, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Cordele Creamery & Cold Storage Co., a corporation, Cordele, Ga., alleging shipment by said company, in violation of the food and drugs act, on or about May 18, 1927, from the State of Georgia into the State of Florida, of a quantity of butter which was adulterated and misbranded.

It was alleged in the information that the article was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit "Butter," borne on the packages containing the article, was false and misleading in that the said statement represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law.

On February 13, 1928, a plea of *nolo contendere* to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture*.

15697. Adulteration of fig squares. U. S. v. 20 Boxes of Fig Squares. Default order of destruction entered. (F. & D. No. 22335. I. S. No. 13097-x. S. No. 382.)

On January 4, 1928, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 boxes of fig squares, remaining in the original unbroken packages at Ogden, Utah, alleging that the article had been shipped by the Merchants Biscuit Co., from Denver, Colo., on or about November 16, 1927, and transported from the State of Colorado into the State of Utah, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Fig Squares The Merchants Biscuit Company, Denver."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On March 17, 1928, no claimant having appeared for the property, judgment of the court was entered finding the product adulterated and ordering that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15698. Adulteration of figs. U. S. v. 350 Boxes of Dried Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22636. I. S. No. 25432-x. S. No. 669.)

On March 13, 1928, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 350 boxes of dried figs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by Habich Braun & Co., from New York, N. Y., November 17, 1927, and transported from the State of New York into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "E. F. E. Brand, * * * Pulled Figs, Packed by M. Nazini, Topjoglou, Smyrna, Turkey."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On April 27, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15699. Adulteration of apples. U. S. v. 26000 Pounds of Winesap Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21363. I. S. No. 848-x. S. No. C-3046.)

On or about November 12, 1926, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 26,000 pounds of winesap apples at Garden City, Kans., alleging that the article had been shipped by C. F. Schoening from Fruitvale, Colo., on or about October 28, 1926, and had been transported from the State of Colorado into the State of Kansas, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous ingredient, to wit, arsenic trioxide, which rendered it injurious to health.

On January 31, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15700. Adulteration and misbranding of butter. U. S. v. 57 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22685. I. S. No. 21898-x. S. No. 686.)

On March 14, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 57 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Land O'Lakes Creamery, Inc., Minnesota Transfer, Minn., on or about March 2, 1928, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On March 27, 1928, the Great Atlantic & Pacific Tea Co., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,824, conditioned in part that it be reworked so as to contain at least 80 per cent of butterfat.

W. M. JARDINE, *Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 15651-15700

Apple butter:	N. J. No.	Fig paste:	N. J. No.
Nichols, Austin, Co-----	15655	Fair, R-----	15666
Apples:		Fig squares:	
Schoening, C. F-----	15699	Merchants Biscuit Co-----	15697
Butter:		Figs:	
Cordele Creamery & Cold		California Peach & Fig	
Storage Co-----	15696	Growers-----	15675, 15668
Delta Valley Creamery Co--	15673	Habich Braun & Co-----	15698
Golden State Milk Products		Hynes, J. P., Packing Co--	15665
Co-----	15694	Lekas & Drivas-----	15667, 15672
Goose River Creamery Co--	15688	Rosenberg Bros. & Co-----	15652
Idahome Creamery Co-----	15657	Spiropoulos, P. J-----	15674
Land O'Lakes Creamery Co--	15700	Sunland Sales Coop. Assoc--	15668, 15675
McVeans Creamery Co-----	15682		
Madison Coop. Creamery		Nerve tonic:	
Assoc-----	15669	Combination Remedy Co--	15684
Mutual Creamery Co-----	15693	999 nerve tonic:	
Portland Creamery Co-----	15671	Combination Remedy Co--	15684
Sunlight Produce Co-----	15692	Oil, olive:	
Catsup. See Tomato catsup.		De Bernardi, D. F., & Co--	15686
Cherries, canned:		Olive oil. See Oil.	
Comstock Canneries-----	15689	Oranges:	
Fredonia Preserving Co-----	15658	Sligh, S. J., & Co-----	15660
Holley Canning Co-----	15677	Pepper:	
Mesler, R. M-----	15659	Biston Coffee Co-----	15691
Salter, G. C-----	15654	Scallops:	
Corn, canned:		Atlantic Coast Oyster Co--	15653
Carroon & Co-----	15656	Brown, Lowe Co-----	15651
Cottonseed feed. See Feed.		Sweet potatoes, canned:	
meal. See Feed.		Taylor, J. W., Packing Co--	15661
Egg, frozen:		Tomato catsup:	
Swift & Co--- 15670, 15687, 15690		Harris, W. M., & Sons Co--	15663
Feed:		Tomato paste:	
cottonseed:		La Sierra Heights Canning	
Americus Oil Co-----	15695	Co-----	15685
cottonseed meal:		Vinegar:	
Americus Oil Co-----	15695	Evans, D. G., Coffee Co--	15678
Humphreys-Godwin Co-----	15664	Evans-Rich Mfg. Co-----	15679
Neal, R. N., & Co-----	15662	National Vinegar Co-----	15678, 15679, 15680, 15681
Planters Cottonseed Prod-		Southern Mfg. Co-----	15680
ucts Co-----	15683		
mixed:			
International Sugar Feed			
No. Two Co-----	15676		

